



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

साप्ताहिक  
WEEKLY

सं. 15]

नई दिल्ली, अप्रैल 4-अप्रैल 10, 2010, शनिवार/चैत्र 14-चैत्र 20, 1932

No. 15]

NEW DELHI, APRIL 4-APRIL 10, 2010, SATURDAY/CHAITRA 14-CHAITRA 20, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 30 मार्च, 2010

का.आ. 896.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा नीचे सारणी के कालम (2) में वर्णित अधिकारियों को सरकार के राजपत्रित अधिकारियों के नाते कथित सारणी के कालम (3) में विनिर्दिष्ट क्षेत्राधिकार की स्थानीय सीमा के भीतर उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी नियुक्त करती है, जो कथित अधिनियम के अन्तर्गत अथवा उसके द्वारा सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा तथा सौंपे गए कर्तव्यों का निर्वहन करेगा:—

सारणी

क्र.स.	अधिकारी का पदनाम	लोक परिसर तथा क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)	(3)
1.	कमान्डेण्ट-201 कोबरा बटालियन	गाँव-करनपूर, जिला-बस्तर (जगदलपुर), छत्तीसगढ़ में

(1)	(2)	(3)
		केन्द्रीय रिजर्व पुलिस बल के सारे भूमि परिसर तथा परिसंपत्तियां।
2.	कमान्डेण्ट-202 कोबरा बटालियन	गाँव-मोडजा-चोडलापुरी जिला-कोरापुट, उड़ीसा में केन्द्रीय रिजर्व पुलिस बल के सारे भूमि परिसर तथा परिसंपत्तियां।
3.	कमान्डेण्ट-203 कोबरा बटालियन	गाँव-बारही जिला-हजारीबाग, झारखण्ड में केन्द्रीय रिजर्व पुलिस बल के सारे भूमि परिसर तथा परिसंपत्तियां।
4.	कमान्डेण्ट-205 कोबरा बटालियन	गाँव-बरवाधीह जिला-गया बिहार में केन्द्रीय रिजर्व पुलिस बल के सारे भूमि परिसर तथा परिसंपत्तियां।

(1)	(2)	(3)
5.	कमान्डेण्ट-206 कोबरा बटालियन	गांव-चितापुर जिला-भन्डारा महाराष्ट्र में केन्द्रीय रिजर्व पुलिस बल के सारे भूमि परिसर तथा परिसंपत्तियां।

[फा. सं. ए-11-8/2010-डीए-4-प्रशा.1/गृह मंत्रालय-पी.एफ.-III]  
एच.काम सुआनथंग, अवर सचिव

### MINISTRY OF HOME AFFAIRS

New Delhi, the 30th March, 2010

**S.O. 896.**—In exercise of the powers conferred by Section 3 of the Public premises (Eviction of unauthorized Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being Gazetted Officers of the Government, to be estble officers for the proposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officer by or under the said act within the local limits of the jurisdiction in respect of the public premises specified in column (3) of the table aforesaid, namely:—

**TABLE**

(1)	(2)	(3)
1.	Commandant-201 CoBRA Bn	All Lands and assets belonging to the Central Reserve Police Force at Vill- Karanpur, Distt- Baster (Jagdalpur), Chhatisgarh.
2.	Commandant-202 CoBRA Bn	All Lands and assets belonging to the Central Reserve Police Force at Vill Mouza-Chulapari, Distt-Koraput
3.	Commandant-203 CoBRA Bn	All Lands and assets belonging to the Central Reserve Police Force at Vill- Barhi, Distt- Hazaribagh, Jharkhand.
4.	Commandant-205 CoBRA Bn	All Lands and assets belonging to the Central Reserve Police Force at Vill- Barwadih, Distt- Gaya, Bihar.

(1)	(2)	(3)
5.	Commandant-206 CoBRA Bn	All Lands and assets belonging to the Central Reserve Police Force at Vill - Chittapur, Distt- Bhandara, Maharashtra.

[F. No. A. II-8/2010-DA.4-Adm.I/MHA-PF.III]

H. KAM SUANTHANG, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

नई दिल्ली, 30 मार्च, 2010

**का.आ. 897.**—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राज्य सरकार, राजनीति (ए) विभाग, दिसपुर की अधिसूचना सं. पीएलए 356/08/39 दिनांक 4 अप्रैल, 2009 द्वारा प्राप्त सहमति से टियोक पोस्ट आफिस, जोरहाट जिला, शिवसागर पोस्टल डिवीजन, असम से जारी किए गए बोगस मनिआर्डों के भुगतान के संबंध में टियोक (असम) पुलिस स्टेशन में दर्ज मामला सं. 03/99 जो भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 420, 468, 471, 406 और 408 के अधीन दर्ज है, के अन्वेषण के लिए तथा उसी संव्यवहार के अनुक्रम में किए गए अपराध से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों और अथवा उन्हीं तथ्यों से उद्भूत किन्ही अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण असम राज्य के संबंध में करती है।

[सं. 228/20/2009 ए. वी. डी.-II]

मुकेश चतुर्वेदी, अवर सचिव

### MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 30th March, 2010

**S.O. 897.**—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political (A) Department, Dispur vide Notification No. PLA 365/08/39 dated 4th April 2009 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam, for investigation of case No. 03/99 under sections 420, 468, 471, 406 and 408 of the Indian Penal Code 1860 (Act No. 45 of 1860) registered at Police Station, Teok (Assam) relating to payment of bogus

money orders purported to have been issued at Teok Post Office, Jorhat District, Sivasagar Postal Division, Assam and attempts, Abetments, and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/20/2009-AVD-II]

MUKESH CHATURVEDI, Under Secy.

नई दिल्ली, 31 मार्च, 2010

का.आ. 898.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य सरकार, गृह विभाग की दिनांक 9 अप्रैल, 2009 की अधिसूचना सं. 20/8/2005-3 एच.जी. 1 द्वारा प्राप्त सहमति से श्री ओम प्रकाश चौटाला, पूर्व मुख्यमंत्री हरियाणा के विरुद्ध राज्य सतर्कता ब्यूरो में लम्बित भ्रष्टाचार निवारण अधिनियम (1988 का अधिनियम सं. 49) के अंतर्गत जांच/जांच का अन्वेषण सं. 5 दिनांक 15-5-2006 चंडीगढ़ के संबंध में तथा उपर्युक्त उल्लिखित अपराधों के संबंध में या संदर्भ में प्रयास दुष्प्रेरण तथा षडयंत्र तथा अन्य अपराध जोकि उसी संव्यवहार के दौरान किए गए हों या उन्हीं तथ्यों से उद्भूत हुए हो, का अन्वेषण करने के संबंध में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार एतद्द्वारा सम्पूर्ण हरियाणा राज्य के संबंध में करती है।

[सं. 228/5/2006-ए वी डी-11]

मुकेश चतुर्वेदी, अवर सचिव

New Delhi, the 31st March, 2010

S.O. 898.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Haryana, Home Department, vide Notification No. 20/8/2005-3HG-1 dated 9th April, 2009 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for conducting enquiries/investigation of Enquiry No.5 dated 15-5-2006 Chandigarh under the Prevention of Corruption Act, 1988 (Act No.49 of 1988) against Shri Om Prakash Chautala, former Chief Minister, Haryana pending with State Vigilance Bureau, Haryana and attempts, abetments, and conspiracies in relation to or in connection with the offences mentioned above and any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[No. 228/5/2006-AVD-II]

MUKESH CHATURVEDI, Under Secy.

## वित्त मंत्रालय

(आयकर विभाग)

मुख्य आयकर आयुक्त का कार्यालय, चेन्नै-II

चेन्नई, 22 फरवरी, 2010

का.आ. 899.—आम सूचना के लिए एक अधिसूचना जारी की जाती है कि मैसर्स निस्सान अशोक लिलेण्ड टेक्नॉलोजीज लिमिटेड, खीवराज काम्प्लेक्स -II, चौथी मंजिल, 477-482 अण्णा सायै, नन्दनम, चेन्नै- 600 035 नामक कम्पनी को (जिनको भारत सरकार, विज्ञान और तकनीकी मंत्रालय, नई दिल्ली के आदेश संख्या: एफ.टी.यू. IV/आर.डी.आई/2904/2009 दिनांक 28-8-2009 द्वारा आन्तरिक आर एण्ड डी ईकाइयों के लिए दिनांक 31-12-2012 तक पहले ही मान्यता प्रदान की गई है।) वित्तीय वर्ष 2010-11 से 2012-13 तक वैज्ञानिक अनुसंधान करने वाले अन्य संस्थाओं के वर्ग में आयकर नियम 1962 के नियम 5एफ के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (11क) के प्रयोजन के लिए निम्नलिखित शर्तों के साथ मान्यता दी जाती है :

(क) उपरोक्त कम्पनी को संदत्त राशि को वैज्ञानिक अनुसंधान के प्रयोजन के लिए खर्च किया जाएगा ;

(ख) उपरोक्त कम्पनी अपने निजी इन्फ्रमचारियों द्वारा अपनी आस्तियों का प्रयोग करते हुए वैज्ञानिक अनुसंधान कार्य करेगी ;

(ग) आयकर अधिनियम की धारा 35 की उप धारा (1) के खण्ड (11क) के अधीन अनुमोदन प्राप्त कम्पनी वैज्ञानिक अनुसंधान के प्रयोजन के लिए प्राप्त निधि के संदर्भ में अनुसंधान में खर्च की गई रकम को दर्शाते हुए अलग लेखा-बही रखेगी, अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में विनिर्दिष्ट प्रकार लेखा-बहियों की लेखा परीक्षा कराएगी और उक्त लेखाकार द्वारा सत्यापित और हस्ताक्षरित लेखा परीक्षा रिपोर्ट को संबंधित आयकर निदेशक या आयकर आयुक्त के पास अधिनियम की धारा 139 की उप धारा (1) के आयकर विवरणी दाखिल करने के लिए उल्लिखित समय सीमा के अन्तर्गत दाखिल करेगी ;

(घ) अनुमोदित कम्पनी वैज्ञानिक अनुसंधान के प्रयोजन के लिए प्राप्त दान और इस प्रयोजनार्थ खर्च का विवरण अलग से तैयार करके रखेगी। उक्त विवरण की एक प्रमाणित प्रति लेखाकार की लेखा रिपोर्ट के साथ उप नियम (3) के अनुसार प्रस्तुत करेगी ;

(ङ.) अनुमोदन दिए जाने के बाद उपरोक्त कम्पनी हर साल आयकर अधिनियम की धारा 139 की उप-धारा (1) के अधीन आयकर विवरणी दाखिल करने के लिए विनिर्दिष्ट समय-सीमा के अन्दर संबंधित आयकर आयुक्त को निम्नलिखित विषयों पर प्रकाश डालते हुए एक विवरण प्रस्तुत करेगी ;

- (i) पूर्व वर्ष में किए गए अनुसंधान कार्य के बारे में एक विस्तृत टिप्पणी ।
  - (ii) राष्ट्रीय और अंतर-राष्ट्रीय पत्रिकाओं में संदर्भाधीन वर्ष में प्रकाशित अनुसंधान लेखों की संक्षिप्त जानकारी ।
  - (iii) संदर्भाधीन वर्ष में आवेदन किए गए या पंजीकृत किए गए पेटेंट या अन्य अधिकार का विवरण ।
  - (iv) अगले वर्षों के लिए उद्देशित अनुसंधान परियोजनाओं का कार्यक्रम और इन कार्यक्रमों के लिए वित्तीय-आबंटन का विवरण ।
- (च) यदि आयकर आयुक्त इस बात से संतुष्ट है कि उपरोक्त कम्पनी—
- (i) अपने वैज्ञानिक अनुसंधान कार्यों के लिए अलग लेखा-बही नहीं रखती है
  - (ii) लेखा-रिपोर्ट प्रस्तुत करने में चूक की है
  - (iii) अनुसंधान के लिए प्राप्त और उसमें लगे खर्च के संदर्भ में या उप खण्ड (ड.) में उल्लिखित प्रकार से विवरण प्रस्तुत नहीं की है, या
  - (iv) अनुसंधान कार्यों को समाप्त कर दिया हो या कार्यों में यथार्थता नहीं हो या
  - (v) जिन शर्तों के आधार पर अनुमोदन दिया गया हो, उन शर्तों का अनुपालन नहीं करती है

तो ऐसे संदर्भों में उचित जाँच पड़ताल के बाद उपरोक्त (i) से (v) तक के संदर्भ में एक रिपोर्ट धारा 139 की उप धारा (1) के अधीन विवरणी दाखिल करने के लिए निर्दिष्ट दिन से छः महीने के अन्दर अपने मुख्य आयकर आयुक्त को प्रस्तुत करेंगे ।

यदि नियम 5 च में उल्लिखित (i) से (v) तक के शर्तों में से किसी भी शर्त को पूरा नहीं किया गया या संबंधित आयकर आयुक्त से नियम 5 च (3) (च) के अंतर्गत प्राप्त रिपोर्ट के आधार पर उपरोक्त अनुमोदन को रद्द किया जा सकता है ।

[अधिसूचना सं. 1/2009-10 सं. सी सी-11/35(1)(iia)/2009-10]

जी. सी. जैन, मुख्य आयकर आयुक्त

#### MINISTRY OF FINANCE

(Income Tax Department)

(OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX, CHENNAI-II)

Chennai, 22nd February, 2010

S.O. 899.—It is hereby notified for general information that the company M/s. Nissan Ashok leyland Technologies Ltd., Khivaraaj Complex II, 4th Floor, 477-482 Anna Salai, Nandanam, Chennai-600 035 (already granted recognition for its in house R. & D units by the Ministry of

Science & Technology, Government of India, New Delhi vide their order dated 28-8-2009 in F.No. TU-IV/RDI/2904/2009 till 31-3-2012, has been approved for the purpose of Clause (iia) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act) read with Rule 5F of the Income-tax Rules, 1962 (said Rules), for the Assessment years 2010-11 to 2012-13 in the category of "other institution" engaged in research activities, subject to the following conditions, namely :—

- (a) The sums paid to the above approved company shall be used for scientific research ;
- (b) The applicant company shall carry on scientific research through its own employees using its own assets ;
- (c) The company approved under Clause (iia) of sub-section (1) of Section 35 shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect there in the amount used for carrying on research, get such books of account audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act ;
- (d) The approved company shall maintain a separate statement of donations received and amounts used for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to in the sub-rule (3).
- (e) Subsequent to the approval, the company shall, every year, by the due date of furnishing the return of income under sub-section (1) of Section 139, furnish a statement to the Commissioner of Income-tax, containing the following information namely:-
  - (i) a detailed note on the research work undertaken by it during the previous year;
  - (ii) a summary of research articles published in national or international journals during the year;
  - (iii) any patents or other similar rights applied for or registered during the year;
  - (iv) programme of research projects to be undertaken during the forthcoming year and the financial allocation for such projects.
- (f) If the Commissioner of Income-tax is satisfied that the company.

- (i) is not maintaining separate books of account for research activities, or
- (ii) has failed to furnish its audit report, or
- (iii) has not furnished the statement of the sums received and the sums used for research, or a statement referred to in sub-clause (e), or
- (iv) has ceased to carry on its research activities, or its activities are not genuine, or
- (v) is not fulfilling the conditions, subject to which the approval was granted to it,

He may after making appropriate enquiries, furnish a report on the circumstances referred to in sub-clauses (i) to (v) to the jurisdictional Chief Commissioner of Income-tax within six months from the date of furnishing the return of income under sub-section (1) of Section 139.

The above approval may be withdrawn under Rule 5F (2) (j), if any of the above conditions in (a) to (e) of Rule 5f is not satisfied or on receipt of the CIT's report as per Rule 5F (3) (f).

[Notification No. 1/2009-10 No. CC-11/35(1)(ia)/2009-10]

G. C. JAIN, Chief Commissioner of Income-tax

कार्यालय मुख्य आयकर आयुक्त

जयपुर, 26 मार्च, 2010

का.आ. 900.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23 सी) की उपधारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2009-2010 एवं आगे के लिए कथित धारा के उद्देश्य से "सेन्ट मीरा ब्रदरहुड सोसायटी, जयपुर" को स्वीकृति देते हैं बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23 सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[अधिसूचना सं. 19/2009-10 क्रमांक:मुआआ/अआआ/(मु.)]

जय./10(23सी)(vi)/09-10/5832]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF  
INCOME TAX

Jaipur, the 26th March, 2010

S.O. 900.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "St Mira Brotherhood

Society, Jaipur" for the purpose of said section for the A. Y. 2009-2010 & onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23 C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[Notification No. 19/2009-10 No. CCIT/JPR/

Addl.CIT(Hqrs.) 10(23C)(vi)/2009-10/5832]

B. S. DHILLION, Chief Commissioner of Income-tax

जयपुर, 31 मार्च, 2010

का.आ. 901.—आयकर नियम, 1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23 सी) की उपधारा (v) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2009-2010 एवं आगे के लिए कथित धारा के उद्देश्य से "श्री श्याम मन्दिर कमेटी, खाटूश्यामजी, जिला-सीकर" को स्वीकृति देते हैं बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23 सी) की उपधारा (v) के प्रावधानों के अनुरूप कार्य करे।

[अधिसूचना सं. 20/2009-10 क्रमांक:मुआआ/अआआ/(मु.)]

जय./10(23सी)(v)/09-10/17]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

Jaipur, the 31st March, 2010

S.O. 901.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2C of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Shree Shyam Mandir Committee, Khatushyamji, Distt. Sikar" for the purpose of said section for the A. Y. 2009-2010 & onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (v) of clause (23 C) of section 10 of the Income-tax Act, 1961 read with rule 2C of the Income-tax Rules, 1962.

[Notification No. 20/2009-10/No. CGIT/JPR/Addl.

CIT(Hqrs.) 10(23C)(v)/2009-10/17]

B. S. DHILLION, Chief Commissioner of Income-tax

( वित्तीय सेवाएं विभाग )

नई दिल्ली, 29 मार्च, 2010

का.आ. 902.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 5 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) (क) तथा उपधारा (2) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री टी. सी. ए. रंगनाथन (जन्म तिथि 19-11-1953), वर्तमान में प्रबंध निदेशक, स्टेट बैंक आफ बीकानेर एंड जयपुर को उनके पदभार ग्रहण करने की तारीख से और 30-11-2013 (जिस महीने वे अधिवर्षिता की आयु प्राप्त करेंगे, उसके अंतिम दिन) तक अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/10/2005-आईएफ-1(बीओ-1)]

सुमिता डावरा, निदेशक

(Department of Financial Services)

New Delhi, the 29th March, 2010

S.O. 902.—In exercise of the powers conferred by sub-section (1) (a) and sub-section (2) of Section 6 read with sub-section (2) of Section 5 of The Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri. T.C.A. Ranganathan (DoB: 19-11-1953) presently Managing Director, State Bank of Bikaner & Jaipur as Chairman and Managing Director on the Board of Directors of Export-Import Bank of India, with effect from the date of his taking over charge of the post and upto 30-11-2013 (the last day of month in which he would attain the age of superannuation) or until further orders, whichever is earlier.

[F. No. 9/10/2005-IF-I(BO. I)]

SUMITA DAWRA, Director

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 23 मार्च, 2010

का.आ. 903.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार श्रीमती अल्का पाण्डे, 'देवीका' रो हाऊस, प्लॉट नं. 74, आदर्श होटल के सामने, कोपर खैरने, सैक्टर-1, नवी मुम्बई-400 709 को तत्काल प्रभाव से 2 वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के मुम्बई सलाहकार पैनल का सदस्य नियुक्त करती है।

[फा. सं. 809/7/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 23rd March, 2010

S.O. 903.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Smt. Alka Pandey, 'Devika' Row House, Plot No. 74, Opp. Adarsh Hotel, Koper Khairane, Sec-1, Navi Mumbai-400 709 as a member of the Mumbai Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/7/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 25 मार्च, 2010

का.आ. 904.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से 2 वर्षों की अवधि के लिए अथवा अगले आदेश होने तक इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल का सदस्य नियुक्त करती है :

(1) श्री मधु रावत, 501, 5वां तल, मेघना शांति रेजिडेंसी, रोड नं. 6, पश्चिमी मरीडपल्ली, सिक-बाद, आंध्र प्रदेश।

(2) मोहम्मद सादत अली खान, म.नं. 9-4-86/262/3, सलार जंग कॉलोनी, नानाल नगर, मेहदीपटनम, हैदराबाद-500 008

[फा. सं. 809/3/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 25th March, 2010

S.O. 904.—In continuation of Ministry's Notification of even number, dated 10-11-2009 and exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Hyderabad Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

(1) Smt. Madhu Rawat, 501, 5th Floor, Meghna Shanati Residency, Road No. 6, West Marredpally, Sec-Bad, Andhra Pradesh.

(2) Mohd. Sadat Ali Khan, H. No. 9-4-86/262/3, Salarjung Colony, Nanal Nagar, Mehdiapatnam, Hyderabad-500 008.

[F.No.809/3/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 25 मार्च, 2010

का.आ. 905.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार श्री संडागल्ला सुरेश को तत्काल प्रभाव से 2 वर्षों की अवधि के लिए अथवा अगले आदेश होने तक इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल का सदस्य नियुक्त करती है।

[फा. सं. 809/3/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 25th March, 2010

S.O. 905.—In continuation of the Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with Rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Sandagalla Suresh as a member of the Hyderabad Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No.809/3/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 30 मार्च, 2010

का.आ. 906.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम, 1976 के नियम, 10 के उपनियम (4) के अनुसरण में, दूरदर्शन महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ केंद्रों/कार्यालयों, जिनके 80% से अधिक कर्मचारीबुन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन केंद्र, डिब्रुगढ़
2. दूरदर्शन उच्च शक्ति ट्रांसमीटर, नांदयाल
3. दूरदर्शन उच्च शक्ति ट्रांसमीटर, बड़ौदा
4. दूरदर्शन उच्च शक्ति ट्रांसमीटर, द्वारका
5. दूरदर्शन उच्च शक्ति ट्रांसमीटर, फैजाबाद
6. दूरदर्शन अनुरक्षण केंद्र, फैजाबाद

7. दूरदर्शन अल्प शक्ति ट्रांसमीटर, गौरी गंज (अमेठी)
8. दूरदर्शन अल्प शक्ति ट्रांसमीटर, सुल्तानपुर
9. दूरदर्शन अल्प शक्ति ट्रांसमीटर, राय बरेली
10. दूरदर्शन अल्प शक्ति ट्रांसमीटर, लाल गंज (प्रतापगढ़)
11. दूरदर्शन अल्प शक्ति ट्रांसमीटर, रुदौली
12. दूरदर्शन अल्प शक्ति ट्रांसमीटर, जगदीशपुर।

[फा. सं. ई-11017/6/2010-हिंदी]

प्रियम्बदा, निदेशक (रा. भा.)

New Delhi, the 30th March, 2010

S.O. 906.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under Directorate General of Doordarshan (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

1. Doordarshan Kendra, Dibrugarh
2. Doordarshan High Power Transmitter, Nandyal
3. Doordarshan High Power Transmitter, Baroda
4. Doordarshan High Power Transmitter, Dwarka
5. Doordarshan High Power Transmitter, Faizabad
6. Doordarshan Maintenance Centre, Faizabad
7. Doordarshan Low Power Transmitter, Gauri Ganj (Amethi)
8. Doordarshan Low Power Transmitter, Sultanpur
9. Doordarshan Low Power Transmitter, Rai Bareilly
10. Doordarshan Low Power Transmitter, Lal Ganj (Pratapgarh)
11. Doordarshan Low Power Transmitter, Rudauli
12. Doordarshan Low Power Transmitter, Jagdishpur

[F.No.E-11017/6/2010-Hindi]

PRIYAMVADA, Director (O. L.)

मानव संसाधन विकास मंत्रालय

( उच्चतर शिक्षा विभाग )

( राजभाषा प्रभाग )

नई दिल्ली, 29 मार्च, 2010

का.आ. 907.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम, 10 के उपनियम

(4) के अनुसरण में मानव संसाधन विकास मंत्रालय के अन्तर्गत राष्ट्रिय संस्कृत संस्थान, मानित विश्वविद्यालय, नई दिल्ली मुख्यालय एवम् उनके अधीनस्थ निम्नलिखित 10 परिसरों को ऐसी संस्थाओं के रूप में जिनमें 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :-

#### I मुख्यालय

1. राष्ट्रिय संस्कृत संस्थान, (मानित विश्वविद्यालय) 56-57, इन्स्टीट्यूशनल एरिया, जनकपुरी, नई दिल्ली

#### II परिसर

1. राष्ट्रिय संस्कृत संस्थान, गंगानाथ झा परिसर, चन्द्रशेखर आजाद पार्क, इलाहाबाद-211108 (उ.प्र.)
2. राष्ट्रिय संस्कृत संस्थान, श्री रणवीर परिसर, कोट-भलवल, जम्मू-181122
3. राष्ट्रिय संस्कृत संस्थान, श्री सदाशिव परिसर, पुरी, उड़ीसा-752001
4. राष्ट्रिय संस्कृत संस्थान, गुरुवायूर परिसर, पोस्ट-पुरानाटुक्करा, जिला-त्रिचूर, केरल-680551
5. राष्ट्रिय संस्कृत संस्थान, लखनऊ परिसर, विशाल खण्ड-4, गोमती नगर, लखनऊ-226010 (उ.प्र.)
6. राष्ट्रिय संस्कृत संस्थान, जयपुर परिसर, त्रिवेणी नगर, गोपालपुरा बाई पास, जयपुर-302018 (राजस्थान)
7. राष्ट्रिय संस्कृत संस्थान, राजीव गांधी परिसर, पोस्ट-श्रृंगेरी, जिला-चिकमंगलूर, कर्नाटक-577139
8. राष्ट्रिय संस्कृत संस्थान, गरली परिसर, ग्राम-गरली, पोस्ट-परागपुर जिला-कांगडा, हिमाचल प्रदेश-177108
9. राष्ट्रिय संस्कृत संस्थान, भोपाल परिसर, ई-7/62, अरेरा कालोनी, नजदीक सैन बोर्ड, भोपाल-432016 (म.प्र.)
10. राष्ट्रिय संस्कृत संस्थान, के.जे.सोमैया संस्कृत विद्यापीठ, मुम्बई परिसर, एस.आई.एम.एस.आर. बिल्डिंग, विद्या बिहार, मुम्बई-400077 (महाराष्ट्र)।

[सं. 11011-1/2010-रा.भा.ए.]

डॉ. अनिता भटनागर जैन, संयुक्त सचिव

#### MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

(O. L. Division)

New Delhi, the 29th March, 2010

S.O. 907.— In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the

Union) Rules, 1976, the Central Government hereby notifies the Rashtriya Sanskrit Sansthan (Deemed University), New Delhi Headquarter under the Ministry of Human Resource Development, and it following 10 Campuses, as the Offices, whose more than 80% members of the staff have acquired working knowledge of Hindi :—

#### I Headquarter

1. Rashtriya Sanskrit Sansthan (Deemed University), 56-57, Institutional Area, Janakpuri, New Delhi-110058

#### II Campus

1. Rashtriya Sanskrit Sansthan, Ganganath Jha Parisar, Chandershekhar Azed Park, Allahabad-211108 (U.P.)
2. Rashtriya Sanskrit Sansthan, Shri Ranvir Parisar, Kot-Bhalbal, Jammu-181122
3. Rashtriya Sanskrit Sansthan, Shri Sadashiv Parisar, Puri, Orissa-752001
4. Rashtriya Sanskrit Sansthan, Guruvayur Parisar, Post-Puranatukkra, District Chittoor, Kerala-680551
5. Rashtriya Sanskrit Sansthan, Lucknow Parisar, Vishal Khand-4, Gomti Nagar, Lucknow-226010 (U.P.)
6. Rashtriya Sanskrit Sansthan, Jaipur Parisar, Triveni Nagar, Gopalpura Bypass, Jaipur-302018 (Rajasthan)
7. Rashtriya Sanskrit Sansthan, Rajiv Gandhi Parisar, Post-Shringeri, Distt-Chikmangloore, Karnataka
8. Rashtriya Sanskrit Sansthan, Garli Parisar, Gram-Garli, Post-Paragpur, Distt-Kangra, Himachal Pradesh-177108
9. Rashtriya Sanskrit Sansthan, Bhopal Parisar, E-7/62, Arera Colony, Near Sain Board, Bhopal 432016 (M.P.)
10. Rashtriya Sanskrit Sansthan, K.J. Somayya Sanskrit Vidyapeeth Mumbai Parisar, S.I.M.S.R. Buliding, Vidya Vihar, Mumbai-400077 (Maharastra).

[No.11011-1/2010-O.L.U.]

DR. ANITA BHATNAGAR JAIN, Jt. Secy.



## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( उपभोक्ता मामले विभाग )

भारतीय मानक ब्यूरो

नई दिल्ली, 25 मार्च, 2010

का.आ. 908.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं और रद्द कर दिए गए हैं और वापस ले लिये गये हैं :

## अनुसूची

क्रम सं.	रद्द किये गये मानक (कों) की संख्या वर्ष और शीर्षक	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1	आई एस 1667:1981 टॉफी की विशिष्टि (दूसरा पुनरीक्षण)	का.आ. संख्या -4242 तिथि : 8-12-1984	आई एस 1008 : 2004 उबली हुई चीनी की कोनफेक्शनरी -विशिष्टि (दूसरा पुनरीक्षण) के द्वारा अतिक्रमित
2	आई एस 7464:1988 ब्रैड उद्योग में प्रयोग होने वाला गेंहु का आटा (मैदा)-विशिष्टि (पहला पुनरीक्षण)	का.आ. संख्या -1552 तिथि : 2-6-1990	आई एस 7463 : 2004 बेकरी उद्योग में प्रयोग होने वाला गेंहु का आटा- विशिष्टि (दूसरा पुनरीक्षण) के द्वारा अतिक्रमित
3	आई एस 7999:1998/आई एस ओ 5494:1978 संवेदी विश्लेषण-उपकरण—द्रव उत्पाद चखने हेतु गिलास (पहला पुनरीक्षण)	का.आ. संख्या -1743 तिथि : 5-9-1998	आई एस ओ मानक रद्द हो गया है
4	आई एस 8574:1977 मक्के की सूजी और मक्के का रवा (सेमोलिना) की विशिष्टि	का.आ. संख्या -2118 तिथि : 9-8-1980	आई एस 9629 : 2004 मक्के का आटा, मक्के का मैदा और मक्के की सूजी - विशिष्टि (पहला पुनरीक्षण) के द्वारा अतिक्रमित
5	आई एस 8806:1978 पैन गुडस कोनफेक्शनरी (ड्रैगीज) की विशिष्टि	का.आ. संख्या -2586 तिथि : 19-7-1986	आई एस 1008 : 2004 उबली हुई चीनी की कोनफेक्शनरी - विशिष्टि (दूसरा पुनरीक्षण) के द्वारा अतिक्रमित
6	आई एस 9194:1979 केक उद्योग में प्रयोग होने वाला गेंहु का आटा	का.आ. संख्या -2322 तिथि : 3-7-1982	आई एस 7463 : 2004 बेकरी उद्योग में प्रयोग होने वाला गेंहु का आटा- विशिष्टि (दूसरा पुनरीक्षण) के द्वारा अतिक्रमित
7	आई एस 10524:1982/आई एस ओ 3983:1977 अनाज और अनाज उत्पादों में अल्फा-एमाईलस गतिविधि का क्लोरीमीटरिक ज्ञात करना	का.आ. संख्या -3668 तिथि : 28-10-1986	आई एस ओ मानक रद्द हो गया है

(1)	(2)	(3)	(4)
8	आई एस 10834:1984 मक्के का मैदा की विशिष्टि	का.आ. संख्या -0135 तिथि : 17-1-1987	आई एस 9629:2004 मक्के का आटा, मक्के का मैदा और मक्के की सूजी - विशिष्टि (पहला पुनरीक्षण) के द्वारा अतिक्रमित

[संदर्भ : एफएडीजी-128]

एस. सो. खोमला, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

## BUREAU OF INDIAN STANDARDS

New Delhi, the 25th March, 2010

**S.O. 908.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, it is hereby notified the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stand withdrawn:

## SCHEDULE

Sl.No.	No. & Year of the Indian Standard Cancelled	S.No. & Date published in the Gazette of India Part II, Section 3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1	IS 1667:1981 Specification for toffees (Second Revision)	S.O. No. 4242 Dated : 8-12-1984	Superseded by and amalgamated with IS 1008:2004 Sugar boiled confectionery- Specification (Second Revision)
2	IS 7464:1988 Wheat flour (maida for use in bread industry- Specification (First Revision)	S.O. No. 1552 Dated : 2-6-1990	Superseded by and amalgamated with IS 7463:2004 Wheat flour for use in bakery industry Specification (Second Revision)
3	IS 7999:1988/ISO 5494:1978 Sensory analysis-Apparatus—Tasting glass for liquid products (First Revision)	S.O. No. 1743 Dated : 5-9-1988	Adopted ISO standard has been withdrawn
4	IS 8574:1988 Specification for maize suzi or rava (Semolina)	S.O. No. 2118 Dated : 9-8-1980	Superseded by and amalgamated with IS 9629:2004 Maize atta, maize maida, maize suzi- Specification (First Revision)
5	IS 8806:1988 Specification for pan goods confectionery (dragees)	S.O. No. 2586 Dated : 19-7-1986	Superseded by and amalgamated with IS 1008:2004 Sugar boiled confectionery- Specification (Second Revision)

6	IS 9194 : 1979 Specification for Wheat flour for use in cake industry	S.O. No. 2322 Dated 3-7-1982	Superseded by and amalgamated with IS 7463:2004 'Wheat flour use in bakery industry—Specification (Second Revision)
7	IS 10524 : 1982/ISO 3983:1977 Colorimetric determination of alpha-amylase activity in cereals and cereal products	S.O. No. 3668 Dated : 25-10-1986	Adopted ISO standard has been withdrawn
8	IS 10834 : 1984 Specification for maize maida	S.O. No. 0135 Dated : 17-1-1987	Superseded by and amalgamated with IS 9629:2004 Maize atta, maize maida, maize suzi-Specification ( First Revision)

[Ref: FAD/G-128]

S. C. KHOSLA, Scientist F &amp; Head (Food &amp; Agr.)

नई दिल्ली, 5 अप्रैल, 2010

का.आ. 909.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक (कों) में संशोधन किया गया/किये गये हैं :-

## अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने तिथि
(1)	(2)	(3)	(4)
I	आईएस 4246:2002 द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हे-विशिष्ट (पांचवां पुनरीक्षण)	संशोधन नं. 2, अगस्त 2009	1 अप्रैल 2010

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.डी/जी-2:1]

चि. दु. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत इंजीनियरिंग)

New Delhi, the 5th April, 2010

S.O. 909.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

## SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 4246:2002 Domestic gas stoves for use with liquefied petroleum gases—Specification (Fifth Revision)	Amendment No. 2 August 2009	1 April 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2:1]

C. K. VEDA, Sc.-F &amp; Head (Mechanical Engineering)

नई दिल्ली, 5 अप्रैल, 2010

का.आ. 910.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

## अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 278:2009 फेंसिंग के लिए जस्तीकृत इस्पात की कांटेदार तार विशिष्टि (चौथा पुनरीक्षण)	आईएस 278:1978 फेंसिंग के लिए जस्तीकृत इस्पात की कांटेदार तार विशिष्टि (तीसरा पुनरीक्षण)	1 अप्रैल, 2010

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.डी./जी-2:1]

चि. दु. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 5th April, 2010

S.O. 910.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 278:2009 Specification for Galvanized steel barbed wire for fencing (Fourth Revision)	IS 278:1978 Specification for Galvanized steel barbed wire for fencing (Third Revision)	1st April, 2010

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2:1]

C. K. VIDA, Sc.-F &amp; Head (Mechanical Engineering)

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 मार्च, 2010

का.आ. 911.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 28-11-2009 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. संख्या 3219, तारीख 23-11-2009 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-मालुर, जिला-कोलार, राज्य-कर्नाटक में चेन्नै पेट्रोलियम कार्पोरेशन लिमिटेड, मनाली की रिफ़ैनरी से देवनगुट्टि टर्मिनल, बैंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां तारीख 29-12-2009 जनता को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा।

## अनुसूची

तालुका-मालुर	जिला-कोलार	राज्य-कर्नाटक		
गांव का नाम	सर्वेक्षण सं./ उप-खण्ड सं.	क्षेत्रफल हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
करडागुर्की	30/80	00	26	10
	30/P	00	12	96
	79	00	04	80
कारगुट्टा	58/1	00	17	64
	16/P-17	00	12	60
	32	00	13	50

(1)	(2)	(3)	(4)	(5)
निधरमंगला	38	00	05	04
	155	00	03	00
	155/P-37	00	10	80
	155(233)	00	03	42
	155/P-3	00	25	56
	155/P-58	00	01	80
	155/P	00	09	72
	155/P-11	00	23	40
	155/P-13	00	06	12
	155/P-15	00	06	12
	155/P-14	00	06	12
	155/P-64	00	03	96
	155/P-12	00	06	12
	155/P-36	00	10	80
	155/P-88	00	19	26
	155/P-74	00	40	86
	155/P-95	00	07	20
	49	00	01	50
कडसनहल्लि	9	00	01	80
	23	00	19	08
पुरमाकनहल्लि	15/11	00	10	44
चिक्कासिवारा	34	00	03	00
धाड्डाकडधुरु	51	00	00	75
	158	00	08	28
नाचोहल्लि	85	00	10	80
	1	00	06	84
	20/1	00	09	90
	69/P-15	00	27	54
	69/P-16	00	32	04
	77/2	00	11	16
लिंगापुरा	52/1	00	16	74
	103	00	05	40
	104	00	09	72
हारोहल्लि	32	00	03	60
माडिवाला	152	00	04	50
	154/2	00	01	00
	157	00	01	00
	170	00	04	32
	166/1	00	01	80

(1)	(2)	(3)	(4)	(5)
माडिवाला-जारी	186	00	12	60
	180	00	02	00
	192	00	02	00
	155/2	00	05	40
	156	00	01	44
	65/1	00	20	70
	62/2	00	13	50
हनुमानायक-हल्लि	62/1	00	04	32
	126/6	00	08	10
	45	00	10	80
योशवन्तपुरा	81/6	00	13	32
	100/2	00	09	72
	129	00	21	60

[फा. सं. आर-25011/8/2008-ओआर-1]

बी. के. दसा, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 29th March, 2010

**S.O. 911.**—Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas, S.O. 3219, dated 23-11-2009 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule relating to Taluka : Malur, District : Kolar, State : Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bengaluru, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 29-12-2009.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act. The Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act. The Central

Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

**SCHEDULE**

Taluka : Malur District : Kolar State : Karnataka

Name of the Village	Survey No. Sub-Division No.	Area		
		Hectare	Are	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)
Karadagurki	30/80	00	26	10
	30/P	00	12	96
	79	00	04	80
Karangutta	58/1	00	17	61
	16/P-17	00	12	60
	32	00	13	50
Nidaramangala	38	00	05	64
	155	00	05	61
	155/P-37	00	10	80
	155(233)	00	03	12
	155/P-3	00	25	56
	155/P-58	00	01	80
	155/P	00	09	72
	155/P-11	00	23	40
	155/P-13	00	06	12
Nidaramangala	155/P-15	00	06	12
	155/P-14	00	06	12
	155/P-64	00	03	96
	155/P-12	00	06	12
	155/P-36	00	10	80
	155P-88	00	19	26
Kadasonna-halli	155/P-74	00	40	86
	155/P-95	00	07	20
	49	00	01	50
Puramakana-halli	9	00	01	80
	23	00	19	08
	15/11	00	10	44
Chikkashivara	34	00	03	00
Doddaka-dathuru	51	00	00	75

(1)	(2)	(3)	(4)	(5)
	158	00	08	28
Nachohalli	85	00	10	80
	1	00	06	84
	20/1	00	09	90
	69/P-15	00	27	54
	69/P-16	00	32	04
	77/2	00	11	16
Lingapura	52/1	00	16	74
	103	00	05	40
	104	00	09	72
Harohalli	32	00	03	60
Madivala	152	00	04	50
	154/2	00	01	00
	157	00	01	00
	170	00	04	32
	166/1	00	01	80
	186	00	12	60
	180	00	02	00
	192	00	02	00
	155/2	00	05	40
	156	00	01	44
	65/1	00	20	70
	62/2	00	13	50
	62/1	00	04	32
	126/6	00	08	10
Hanumanaya-kanahalli	45	00	10	80
Yeshavan-thapura	81/6	00	13	32
	100/2	00	09	72
	129	00	21	60

[F. No. R-25011/8/2008-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 912.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 28-11-2009 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 3220 तारीख 23-11-2009 द्वारा उस अधिसूचना से

उपाबद्ध अनुसूची तालुका-मुलबागल, जिला-कोलार, राज्य-कर्नाटक में चेन्नै पेट्रोलियम कार्पोरेशन लिमिटेड, मनाली की रिफाईनरी से देवगुट्टि टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां तारीख 29-12-2009 की जनता को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कार्पोरेशन लिमिटेड चेन्नै में सभी विल्लगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

## अनुसूची

तालुका-मुलबागल	जिला-कोलार	राज्य-कर्नाटक		
गांव का नाम	सर्वेक्षण सं/ उप-खण्ड सं.	क्षेत्रफल	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
कासाभुगन्हाल्लि	20/3C	00	17	48
माइलापुरा	34	00	04	30
	35	00	05	30
पुल्लोवारेड्डी-हल्लि	43	00	04	00
सांगोडाहल्लि	60/P-40	00	06	68
पाडाकास्ति	68	00	09	00
कुरुबा	82	00	10	44
चन्दुमनाहल्लि	74	00	05	56
	32	00	03	16

(1)	(2)	(3)	(4)	(5)
चन्नापुरा	117/2	00	02	00
	57/P	00	00	77
	62	00	10	26
	132	00	07	90
येदाहल्लि	63/3	00	18	27
	60/P-2	00	07	20
	106	00	19	80
	62	00	10	26
उराकुटेमिट्टुरु	259/3	00	03	02
	34/9	00	13	50
मिनिजेनाहल्लि	128/4	00	13	02
	132/2P-2	00	02	70
	34	00	03	44
	31/4	00	02	45
बन्डहल्लि	48/2	00	13	32

[फा. सं. आर-25011/8/2008-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 912.—Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas, S.O. 3220 dated 23-11-2009 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the schedule relating to Taluka Mulbagal, District : Kolar, State : Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanaguthi Terminal, Bengaluru, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 29-12-2009.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the schedule appended to this notification should be acquired.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act. The Central Government hereby declares that the right of user in the land specified in the schedule annexed to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act. The Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited, free from all encumbrances.

## SCHEDULE

Taluka : Mulbagal District : Kolar State : Karnataka

Name of the Village	Survey No. Sub-Division No.	Area		
		Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)
Kasuvugana-halli	20/3C	00	17	48
Mylapura	34	00	04	30
	35	00	05	30
Puliobare-ddyhalli	43	00	04	00
Sangona-dahalli	60/P-40	00	06	68
Padakasti	68	00	09	00
Kurubaracha-dumanahalli	82	00	10	44
	74	00	05	56
	32	00	03	16
Channapura	117/2	00	02	00
	57/P	00	00	77
	62	00	10	26
	132	00	07	90
Yadahalli	63/3	00	18	27
	60/P-2	00	07	20
	106	00	19	80
	62	00	10	26
Urukuntemitturu	259/3	00	03	02
	34/9	00	13	50
Minijenahalli	128/4	00	13	02
	132/2P-2	00	02	70
	34	00	03	44
	31/4	00	02	45
	48/2	00	13	32

[F. No. R-25011/8/2008-OR-1]

B. K. DATTA, Under Secy.



नई दिल्ली, 29 मार्च, 2010

का.आ. 913.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 28-11-2009 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 3221 तारीख 23-11-2009 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-बंगारपेट, जिला-कोलार, राज्य-कर्नाटक में चेन्नै पेट्रोलियम कार्पोरेशन लिमिटेड, मनाली की रिफायनरी से देवगुडिट टर्मिनल, बैंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां तारीख 29-12-2009 को जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कार्पोरेशन लिमिटेड चेन्नै में सभी विल्लगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा।

## अनुसूची

तालुका-बंगारपेट	जिला-कोलार	राज्य-कर्नाटक		
गांव का नाम	सर्वेक्षण सं/ उप-खण्ड सं.	क्षेत्रफल	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
वांदडाहल्लि	66	00	11	70
	3	00	04	32
कामण्डाहल्लि	41/11	00	01	46
	73	00	01	50
	43	00	06	66
	59/पी-2	00	05	94

(1)	(2)	(3)	(4)	(5)
मावाहल्लि	57/2	00	12	06
	75/1	00	06	66
नयाकरहल्लि	56/2	00	06	66
	26/8	00	09	00
वाट्राकुटे	131/पी-91	00	13	04
	131/पी-78	00	10	00
	131/पी-71	00	09	54
बाभ्राहल्लि	25/1	00	15	30
अनिगानाहल्लि	100	00	14	40
अक्षत्रगोल्ला-हल्लि	62/2	00	08	10
मुगालबेले	72/पी-1	00	40	50
	134/1	00	01	10
	20	00	28	62

[फा. सं. आर-25011/8/2008-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 913.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 3221 dated 23-11-2009 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the schedule relating to Taluka Bangarpet, District : Kolar, State : Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bengaluru, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 29-12-2009.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act. The Central Government hereby declares that the right of user in the land specified in the schedule annexed to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act. The Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Taluka : Bangarpet District : Kolar State : Karnataka

Name of the Village	Survey No./Sub-Division No.	Area		
		Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)
Vadandahalli	66	00	11	70
	3	00	04	32
Kamandahalli	41/11	00	01	46
	73	00	01	50
	43	00	06	66
Mavahalli	59/P-2	00	05	94
	57/2	00	12	06
	75/1	00	06	66
Nayakarahalli	56/2	00	06	66
	26/8	00	09	00
Vatrakunte	131/P-91	00	13	04
	131/P-78	00	10	00
	131/P-71	00	09	54
Bavarahalli	25/1	00	15	30
Aniganahalli	100	00	14	40
Akshanthara-Gollahalli	62/2	00	08	10
Mugalabele	72/P-1	00	40	50
	134/1	00	01	10
	20	00	28	62

[F. No. R-25011/8/2008-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 914.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 28-11-2009 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 3222 तारीख 23-11-2009 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-कोलार, जिला-कोलार, राज्य-कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, ममाली की रिफ़िनरी से देवगुडिट टर्मिनल, बैंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी:

और उक्त राजपत्र अधिसूचना की प्रतियां तारीख 29-12-2009 जनता को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चेन्नै में सभी किल्लामों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा।

## अनुसूची

तालुका-कोलार	जिला-कोलार	राज्य-कर्नाटक		
गांव का नाम	सर्वेक्षण सं/ उप-खण्ड सं.	क्षेत्रफल हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
अग्राहरा	159/2	00	15	00
सीमरसगुडिटिल				
	167/1	00	09	00
मीठामल्लाहल्ली	86/1	00	03	24
	78	00	02	34
	85	00	15	66
	34/5	00	03	10

[फा. सं. आर-25011/8/2008-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 914.—Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas, S.O. 3222 dated 23-11-2009 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the schedule relating to Taluka : Kolar, District : Kolar, State : Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from

Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bengaluru, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 29-12-2009.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the schedule appended to this notification should be acquired.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act. The Central Government hereby declares that the right of user in the land specified in the schedule annexed to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act. The Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

Taluka : Kolar District : Kolar State : Karnataka

Name of the Village	Survey No./Sub-Division No.	Area		
		Hectare	Are	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)
Agraharasomar- asanahalli	159/2	00	15	00
	167/1	00	09	00
Mittamalahalli	86/1	00	03	24
	78	00	02	34
	85	00	15	66
	34/5	00	03	10

[F.No. R-25011/8/2008-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 915.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 28-11-2009 में प्रकाशित भारत

सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 3223 संख्या तारीख 23-11-2009 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-होसकोटे, जिला-बेंगलुरु ररल, राज्य-कर्नाटक में चेन्नै पेट्रोलियम कार्पोरेशन लिमिटेड, मनाली की रिफ़िनरी से देवगुडिट टर्मिनल, बेंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां तारीख 29-12-2009 जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा।

#### अनुसूची

तालुका-होसकोटे	जिला-कोलार	राज्य-कर्नाटक		
गांव का नाम	सर्वेक्षण सं/ उप-खण्ड सं.	क्षेत्रफल हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
बमनबांडे	36	00	13	14
	84	00	16	56
	38/2	00	17	10
	79/1	00	03	60
	56/4	00	06	66
	44/5	00	05	76
	44/4	00	05	40
	44/3	00	05	76
	79	00	24	30
	38/1	00	08	46
	37	00	71	18

(1)	(2)	(3)	(4)	(5)
काजीहोसा हल्लि	98	00	18	00
बनहल्लि	32/2	00	06	30
	23/4	00	05	76
	23/3	00	03	96
परमनाहल्लि	85/पी	00	83	52
तरवहल्लि	6/2	00	13	50
	6/3	00	12	06
	40/1	00	34	20
	59	00	11	30
	63	00	46	80
डेवरगोल्ल- हल्लि	20	00	21	06
	21/2	00	21	60
	21/1	00	16	38
	23	00	09	00
	24	00	40	22
	25	00	32	22
	26	00	05	76
	27	00	18	54
कटिगेनाहल्लि	134	00	16	74
	58/पी-18	00	08	30

[फा. सं. आर-25011/8/2008-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

**S.O. 915.**—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 3223 dated 23-11-2009 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the schedule relating to Taluka Hoskote, District : Bengaluru Rural, State : Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bengaluru, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 29-12-2009.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the schedule appended to this notification should be acquired.

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act. The Central Government hereby declares that the right of user in the land specified in the schedule annexed to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act. The Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

**SCHEDULE**

Taluka : Hosakote District : Bangalore Rural, State : Karnataka

Name of the Village	Survey No./Sub- Division No.	Area		
		Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)
Bommanabonde	36	00	13	14
	84	00	16	56
	38/2	00	17	10
	79/1	00	03	60
	56/4	00	06	66
	44/5	00	05	76
	44/4	00	05	40
	44/3	00	05	76
	79	00	21	30
Kajihosahalli	38/1	00	08	46
	37	00	71	18
	98	00	18	00
	32/2	00	06	30
	23/4	00	05	76
Banahalli	23/3	00	03	96
	85/P	00	83	52
	6/2	00	13	50
	6/3	00	12	06
	40/1	00	34	20
Paramanahalli	59	00	11	30
	63	00	46	80
	20	00	21	06
	21/2	00	21	60
	21/1	00	16	38
Devaragollahalli				

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)	(6)
	23	00	09	00	76. पेरुमुडिवक्कम	54	2	0	01	00
	24	00	40	22	74. आर्थिकावानूर	85	2बी2	0	01	00
	25	00	32	22		240	—	0	03	17
	26	00	05	76		238	2	0	01	32
	27	00	18	54		238	1	0	02	60
Kattigenahalli	134	00	16	74		221	1	0	00	74
	58/P-18	00	08	30		48	—	0	00	55

[F. No. R-25011/8/2008-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 916.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में चेन्नई पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनालि की रिकैनेरी से देवनगुदि टर्मिनल, बैंगलोर तक पेट्रोलियम उत्पादनों के परिवहन के लिए चेन्नई-बैंगलोर पाइपलाइन परियोजना के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधिन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री जी. जयराम, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, ए.टि. एफ्. और चेन्नई बैंगलोर पाइपलाइन परियोजना, सं. 10, तिरु-भि-का स्ट्रीट, राजाजिपुरम, तिरुवालयूर, तमिलनाडु-602001 को लिखित रूप में आक्षेप भेज सकेगा ।

## अनुसूची

तालुका उत्थुकोटाड जिला-तिरुवालयूर राज्य-तमिलनाडु

गांव का नाम	सर्वेक्षण सं.	उप खण्ड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
94. आनंदकक	207	3ए	0	04	61
वक्कम	278	3सी	0	01	00
95. माडाभिलागम	269	3	0	01	00
	269	2	0	01	00

73. पुन्नापक्कम	6	2ए	0	01	70
	6	1	0	03	50
	3	—	0	01	06
71. मांबल्लम	2	2	0	01	00
70. कादरभेडु	108	—	0	05	64
24. मेयुर	208	—	0	05	68
	657	1जी	0	00	60
	657	1एफ	0	01	94
20. कोराक्काथा-डालाम	15	—	0	05	23
21. देवांडभक्कम	137	6	0	04	64
	142	1	0	05	04
	251	—	0	22	68
	140	—	0	07	00
	226	2	0	24	84
	226	1	0	10	80
	225	2	0	09	72
	225	1ए	0	09	36
	224	5	0	08	64
	224	4ए	0	08	57
	224	1	0	08	28
	235	2	0	00	80
	234	1	0	17	68
	250	1	0	02	63
19. ओडाप्पाड	3	1बी	0	06	80
	3	2बी	0	03	24
	3	3ए	0	00	59
	3	5ए	0	01	80
	3	5बी	0	00	40
	3	4बी	0	01	58
	8	3	0	01	53
	8	4	0	01	43
	8	5	0	00	84
16. आट्टाम वक्कम	230	1ए	0	00	72
13. नामवक्कम	84	2	0	00	40
	136	11	0	00	98
	142	11	0	00	40
	135	10ए	0	00	40

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
12. नयापक्कम	17	1	0	02	44	40. नेडाम्बरम	44	5	0	01	10
	17	2	0	02	13	35. आरुम्बक्कम	207	10	0	00	40
	14	1ए	0	00	88	33. आरुंगुलम	250	-	0	01	00
	44	3	0	01	00		244	2	0	10	20
	189	3	0	02	00		244	4	0	07	00
तालुका-तिरुवालुर जिला-तिरुवालुर राज्य-तमिलनाडु						25. थालावेडु	256	13बी	0	00	48
गांव का नाम	सर्वेक्षण सं.	उप- खण्ड सं.	हेक्टर	एयर	वर्ग मीटर		256	14	0	00	36
(1)	(2)	(3)	(4)	(5)	(6)		256	17	0	00	68
31. वेंगल	425	7	0	09	45		256	18	0	00	40
	425	8	0	00	77		256	19बी	0	00	22
	425	15	0	01	34		257	15	0	00	40
	425	2	0	01	45	26. पोन्नपाडि	257	16	0	00	40
	425	1	0	02	24		159	3सी	0	02	48
	426	10	0	00	40	14. आलामेलु	161	9	0	02	50
	428	7ए	0	00	40	मांगपुरम	274	5	0	00	53
	237	1	0	03	00		184	2ए	0	00	70
	216	2कं	0	03	40		184	2बी	0	00	80
	216	2जे	0	00	80		270	2सी	0	00	25
30. सेमवेडु	62	9	0	00	80		270	2बी	0	00	80
	62	8ए	0	01	14		270	1ए	0	07	60
	62	6	0	01	98		270	2ए	0	04	25
	63	9	0	00	59	15. मुरुक्काम्पाट्टु	9	7	0	00	40
	63	10	0	00	80		9	8	0	04	13
	63	12	0	00	69	12. क्रिष्णासमुद्रम	201	10	0	04	25
	63	8	0	00	53		201	8	0	01	70
	64	10	0	00	40		10	4	0	01	58
	78	6	0	00	40		11	8सी	0	02	88
	78	7	0	00	40		11	8बी	0	05	60
	83	2	0	02	80		12	1	0	00	50
21. एराइयूर	4	2ए	0	12	20	तालुका-पाल्लिपट्ट जिला-तिरुवालुर राज्य-तमिलनाडु					
	20	2सी	0	02	00	गांव का नाम	सर्वेक्षण सं.	उप- खण्ड सं.	हेक्टर	एयर	वर्ग मीटर
	20	1बी	0	01	11	(1)	(2)	(3)	(4)	(5)	(6)
7. सेंड्रामपल्याम	457	4	0	00	40	19. रामसमुद्रम	12	3ए2	0	01	50
तालुका : तिरुतानि जिला-तिरुवालुर राज्य-तमिलनाडु							12	3ए3	0	07	00
गांव का नाम	सर्वेक्षण सं.	उप- खण्ड सं.	हेक्टर	एयर	वर्ग मीटर		12	3ए29	0	01	00
(1)	(2)	(3)	(4)	(5)	(6)		12	3ए34	0	08	75
43. कांचिपाडि	38	11	0	10	24		12	3ए35	0	03	67
							12	3ए36	0	04	40
41. पानापक्कम	39	4	0	02	60	20. क्रिष्णा-	209	12सी	0	01	50
	39	3	0	03	17	राजकुप्पम	210	1ए	0	00	90
	39	6	0	00	70	[फा. सं. आर-25011/11.2009-ओआर-1]					
						बी. क. दत्ता, अवसर सचिव					

New Delhi, the 29th March, 2010

(1) (2) (3) (4) (5) (6)

**S.O. 916.**—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali in the State of Tamil Nadu to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Chennai - Bangalore Pipeline Project.

And Whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of pipeline under the land to Shri B. Baskaran, Competent Authority, Indian Oil Corporation Limited, ATF & Chennai-Bangalore Pipeline Project, No. 10, Thiru-vi-ka Street, Rajajipuram, Tiruvallur, Tamil Nadu - 602 001.

**SCHEDULE**

Taluka: Uthukottai District: Tiruvallur State: Tamil Nadu

Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)
94. Annadhana-Kakavakkam	207	3A	0	04	61
	278	3C	0	01	00
95. Madavilagam	269	3	0	01	00
	269	2	0	01	00
76. Perumudi-vakkam	54	2	0	01	00
74. Athangi-kavanur	85	2B2	0	01	00
	240	—	0	03	17
	238	2	0	01	32
	238	1	0	02	60
	221	1	0	00	74
	48	—	0	00	55
	47	—	0	00	80
73. Punnapakkam	6	2A	0	01	70
	6	1	0	03	50
	3	—	0	01	06

71. Mamballam	2	2	0	01	00
70. Kadharvedu	108	—	0	05	64
24. Meyyur	208	—	0	05	68
	657	1G	0	00	60
	657	1F	0	01	94
20. Korakkan-thandalam	15	—	0	05	23
21. Devanda-vakkam	137	6	0	04	64
	142	1	0	05	04
	251	—	0	22	68
	140	—	0	07	00
	226	2	0	24	81
	226	1	0	10	80
	225	2	0	09	72
	225	1A	0	09	36
	224	5	0	08	64
	224	4A	0	08	57
	224	1	0	08	28
	235	2	0	00	80
	234	1	0	17	68
	250	1	0	02	63
19. Odappai	3	1B	0	06	80
	3	2B	0	03	24
	3	3A	0	00	59
	3	5A	0	01	80
	3	5B	0	00	40
	3	4B	0	01	58
	8	3	0	01	53
	8	4	0	01	43
	8	5	0	00	81

16. Attiram-bakkam	230	1A1	0	00	72
13. Nambakkam	84	2	0	00	40
	136	11	0	00	98
	142	11	0	00	40
	135	10A	0	00	40
12. Nayapakkam	17	1	0	02	44
	17	2	0	02	13
	14	1A	0	00	88
	44	3	0	01	00
	189	3	0	02	00

Taluka: Tiruvallur District: Tiruvallur State: Tamil Nadu

Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)
31. Vengal	425	7	0	09	45
	425	8	0	00	77

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
31. Vengal	425	15	0	01	34	25. Thalavedu	256	13B	0	00	48
	425	2	0	01	45		256	14	0	01	36
	425	1	0	02	24		256	17	0	01	68
	426	10	0	00	40		256	18	0	02	40
	428	7A	0	00	40		256	19B	0	02	22
	237	1	0	03	00		257	15	0	00	40
	216	2K	0	03	40		257	16	0	00	40
	216	2J	0	00	80		159	3C	0	02	48
30. Sembudu	62	9	0	00	80	26. Ponpadi	161	9	0	02	50
	62	8A	0	01	14						
	62	6	0	01	98	14. Alamelu-	274	5	0	01	53
	63	9	0	00	59	mangapuram	184	2A	0	11	70
	63	10	0	00	80		184	2B	0	08	80
	63	12	0	00	69		270	2C	0	01	25
	63	8	0	00	53		270	2B	0	00	80
	64	10	0	00	40		270	1A	0	17	60
	78	6	0	00	40		270	2A	0	14	25
	78	7	0	00	40						
	83	2	0	02	80	15. Murukam-	9	7	0	00	40
						pattu	9	8	0	04	13
21. Erraiyur	4	2A	0	12	20						
	20	2C	0	02	00	12. Krishna-	201	10	0	01	25
	20	1B	0	01	11	samudram	201	8	0	01	70
							10	4	0	01	58
7. Sendrayan-	457	4	0	00	40		11	8C	0	02	88
palayam							11	8B	0	05	60
							12	1	0	00	50

Taluka: Tiruttani District: Tiruvallur State: Tamil Nadu

Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)
43. Kanchipadi	38	11	0	10	24
41. Panapakkam	39	4	0	02	60
	39	3	0	03	17
	39	6	0	00	70
40. Nedum-	44	5	0	01	10
baram					
35. Arum-	207	10	0	00	40
bakkam					
33. Arungulam	250	—	0	04	00
	244	2	0	10	20
	244	4	0	07	00

Taluka: Pallipattu District: Tiruvallur State: Tamil Nadu

Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)
19. Rama-	12	3A2	0	01	50
samudram	12	3A3	0	07	00
	12	3A29	0	01	00
	12	3A34	0	08	75
	12	3A35	0	03	67
	12	3A36	0	04	40
20. Krishnama-	209	12C	0	01	50
rajakuppam	210	1A	0	00	90

[F. No. R-25011/11/2007-OR-II]

B. K. DATTA, Under Secy.



नई दिल्ली, 29 मार्च, 2010

New Delhi, the 29th March, 2010

का.आ. 917.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़िनेरी से देवनगुडिट टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चैन्नै-बेंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बेंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : यादमरी	जिला : चित्तूर	राज्य : आन्ध्र प्रदेश
गांव का नाम	सर्वेक्षण सं.	क्षेत्रफल
	खण्ड सं.	उप- खण्ड सं.
		हेक्टेयर एयर वर्ग मीटर
(1)	(2)	(3) (4) (5) (6)
62, जंगालापल्लि	312	— 00 28 34
	320	B 00 03 64
	325	I 00 06 07
	320	A 00 01 21
64, पेरियांबाडि	249	ID1 00 08 50
65, यादमारि	416	5 00 04 45
	427	— 00 14 17
	397	6 00 07 69
	430	2 00 05 26
	71	IB 00 02 43
	144	I 00 30 38
66, बुडिटि- रेड्डिपल्ले	53	ID 00 04 05
	53	2 00 03 65
	77	I 00 23 49

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

S.O. 917.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M. Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No. 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

## SCHEDULE

Mandal : Yadamari District : Chittoor State : Andhra Pradesh

Name of the village	Survey No.	Sub-Division No.	Area		
			Hectare	Ares	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)	(6)
62. Jangalapalle	312	—	00	28	34
	320	B	00	03	64
	325	I	00	06	07
	320	A	00	01	21
64. Periyambadi	249	ID1	00	08	50
65. Yadamari	416	5	00	04	45
	427	—	00	14	17
	397	6	00	07	69
	430	2	00	05	26
	71	IB	00	02	43
	144	I	00	30	38
66. Budithi-reddipalle	53	ID	00	04	05
	53	2	00	03	65
	77	I	00	23	49

[F. No. R-25011/5/2007-OR-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 918.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्ने पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़ेनेरी से देवनगुडिट टर्मिनल, बैंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चैन्ने-बैंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्ने-बैंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : चित्तूर	जिला : चित्तूर	राज्य : आन्ध्र प्रदेश			
गांव का नाम	सर्वेक्षण सं.	क्षेत्रफल			
	खण्ड सं.	उप-खण्ड सं.	हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
55, अनंतपुरम	19	2	00	04	04
	15	6	00	03	44
	211	3	00	12	96
	23	6	00	00	81
	16	1	00	02	43
	17	6	00	05	67
	145	2	00	27	13
	213	9	00	25	51
	178	8	00	02	02
	211	1A	00	01	21
	23	7	00	05	87
	23	5	00	11	34
	17	9	00	04	04
	17	4	00	04	45
	25	1	00	03	23
	25	2	00	02	83
	23	8	00	02	02

(1)	(2)	(3)	(4)	(5)	(6)
55, अनंतपुरम	25	3	00	21	86
	142	2	00	07	28
	115	7	00	01	21
	165	8	00	01	42
	111	2	00	33	20
	39	17	00	01	21
	39	2	00	02	43
	26	—	00	11	34
	115	4	00	04	68
	115	14	00	25	00
	19	14	00	13	82
	177	6	00	27	24
	165	2	00	10	98
	214	5	00	10	98
	214	6	00	05	29
	108	3	00	24	39
	39	1	00	07	32
57, तालावेडु	63	9	00	01	21
	63	5	00	02	43
	63	3	00	01	62
	52	5A	00	00	80
	101	2	00	10	53
58, चित्तलगुंटा	95	—	00	02	43
	212	2	00	06	88
	212	3	00	02	83
	109	2B, 2C	00	08	10
	218	1	00	07	29
	54	1A	00	13	77
	37	1	00	06	88
59, पेरुमाल्लु काडिगा	15	2D	00	00	40
	46	—	00	04	86
	29	10B	00	03	64
	34	1B	00	08	90
	23	11	00	03	24
	34	1A	00	06	88
	29	11	00	11	34
	18	7	00	10	53
	6	3A	00	09	31
	15	2C	00	05	47
	6	4A1	00	09	31

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
60, नारिगापल्लि	251	15	00	01	42	61, अनुपल्ले	173	6	00	02	43
	256	9	00	02	83		175	2	00	03	64
	256	13	00	08	50		87	2	00	08	50
	256	12ए	00	02	43		128	4	00	04	86
	256	11	00	00	60		152	4	00	08	91
	256	10	00	03	24		152	2	00	05	26
	145	2बी	00	17	41		150	5	00	06	48
	269	10	00	03	23		150	6	00	07	29
	200	2एफ	00	08	10		85	3	00	15	38
	257	4बी	00	17	81		130	2	00	15	16
	71	12	00	00	40		126	4	00	14	98
	18	7	00	01	62		58	2	00	26	31
	26	-	00	08	50	[फा. सं. अर-25011/5/2007-ओआर-1]					
	25	2	00	02	02	बी. के. दत्ता, अवग सचिव					
	25	3	00	02	43	New Delhi, the 29th March, 2010					
	71	1	00	07	29	<b>S.O. 918.</b> —Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.					
	71	2	00	02	43	And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;					
	22	3	00	02	02	Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;					
	72	2	00	02	43	Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M.Babaiiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No. 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.					
	200	2सी	00	17	81	<b>SCHEDULE</b>					
	256	2	00	04	25	Mandal : Chittoor District : Chittoor State : Andhra Pradesh					
	256	16	00	03	64	Name of village					
	269	8	00	06	07	Survey					
	269	5बी	00	07	29	No					
	251	4	00	14	17	Sub- Division					
	201	4	00	23	48	No.					
	255	1बी	00	19	03	(1)					
	252	4	00	15	38	(2)					
	251	7	00	02	83	(3)					
	94	2ए	00	08	50	(4)					
	145	1ई	00	06	07	(5)					
	252	5	00	17	41	(6)					
	100	6	00	20	65	55, Anantapuram					
	77	1बी	00	12	15	19					
	76	5	00	04	45	15					
	76	6	00	06	48	211					
	19	8	00	04	86	23					
	25	8	00	02	23						
	25	4	00	01	62						
	18	8	00	11	74						
	22	2	00	24	29						
61, अनुपल्ले	80	1C	00	13	36						
	173	5	00	14	57						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
55, Anantapuram	16	1	00	02	43	59, Perumalia-kandiga	15	2D	00	00	40
	17	6	00	05	67		16	-	00	04	86
	145	2	00	27	13		29	10B	00	03	64
	213	9	00	25	51		34	1B	00	08	90
	178	8	00	02	02		23	11	00	03	24
	211	1A	00	01	21		34	1A	00	06	88
	23	7	00	05	8		29	11	00	11	34
	23	5	00	11	34		18	7	00	10	53
	17	9	00	04	04		6	3A	00	09	31
	17	4	00	04	45		15	2C	00	05	47
	25	1	00	03	23		6	4A1	00	09	31
	25	2	00	02	83	60, Narigapalle	251	15	00	01	42
	23	8	00	02	02		256	9	00	02	83
	25	3	00	21	86		256	13	00	08	50
	142	2	00	07	28		256	12A	00	02	43
	115	7	00	01	21		256	11	00	00	60
	165	8	00	01	42		256	10	00	03	24
	111	2	00	33	20		145	2B	00	17	41
	39	17	00	01	21		269	10	00	03	23
	39	2	00	02	43		200	2F	00	08	10
	26	-	00	11	34		257	4B	00	17	81
	115	4	00	04	68		21	12	00	00	40
	115	14	00	25	00		18	7	00	01	62
	19	14	00	13	82		26	-	00	08	50
	177	6	00	27	24		25	2	00	02	02
	165	2	00	10	98		25	3	00	02	43
	214	5	00	10	98		71	1	00	07	29
	214	6	00	05	29		71	2	00	02	43
	108	3	00	24	39		22	3	00	02	02
	39	1	00	07	32		72	2	00	02	43
	39	9	00	01	21		200	2C	00	17	81
57, Thalambedu	63	5	00	02	43		256	2	00	04	25
	63	3	00	01	62		256	16	00	03	64
	52	5A	00	00	80		269	8	00	06	07
	101	2	00	10	53		269	5B	00	07	29
	95	-	00	02	43		251	4	00	14	17
58, Chintalagunta	212	2	00	06	88		201	4	00	23	48
	212	3	00	02	83		255	1B	00	19	03
	109	2B, 2C	00	08	10		252	4	00	15	38
	218	1	00	07	29		251	7	00	02	83
	54	1A	00	13	77		94	2A	00	08	50
	37	1	00	06	88						

(1)	(2)	(3)	(4)	(5)	(6)
60. Narigapalle	145	1E	00	06	07
	252	5	00	17	41
	100	6	00	20	65
	77	1B	00	12	15
	76	5	00	04	45
	76	6	00	06	48
	19	8	00	04	86
	25	8	00	02	23
	25	4	00	01	62
	18	8	00	11	74
	22	2	00	24	29
61. Anupalle	80	1C	00	13	36
	173	5	00	14	57
	173	6	00	02	43
	175	2	00	03	64
	87	2	00	08	50
	128	4	00	04	86
	152	4	00	08	91
	152	2	00	05	26
	150	5	00	06	48
	150	6	00	07	29
	85	3	00	15	38
	130	2	00	15	38
	126	4	00	14	98
	58	2	00	26	32

[F. No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 919.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़िनरी से देवनगुडि टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चैन्नै-बेंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के

अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बेंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : गंगाधरनेल्लोर जिला : चित्तूर राज्य : आन्ध्र प्रदेश

गांव का नाम	सर्वेक्षण सं. खण्ड सं.	क्षेत्रफल			
		उप- खण्ड सं.	हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
54. एल्लापल्ले	20	5	00	02	83
	22	7	00	10	12
	20	7	00	02	02
52. थुगुंद्रम	323	5C	00	04	04
	323	6	00	02	02
	298	2B	00	06	28
	200	2	00	02	02
	390	14	00	06	88
	200	9	00	10	12
	213	2A	00	05	47
	297	8	00	18	21
	286	2	00	02	43
	200	10	00	07	69
53. अम्बो- दरापल्ले	123	12	00	04	04
	132	3	00	09	31
	115	2	00	12	55

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

**S.O. 919.**—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

### SCHEDULE

Mandal : G.D. Nellore District : Chittoor State : Andhra Pradesh

Name of the village	Survey No.	Sub-Division No.	Area		Sq. Mtr.
			Hectare	Ares	
(1)	(2)	(3)	(4)	(5)	(6)
54. Ellapalle	20	5	00	02	83
	22	7	00	10	12
	20	7	00	02	02
52. Thugundram	323	SC	00	04	04
	323	6	00	02	02
	298	2B	00	06	28
	200	2	00	02	02
	390	14	00	06	88
	200	9	00	10	12
	213	2A	00	05	47
	297	8	00	18	21
	286	2	00	02	43
53. Ambo-darapalle	200	10	00	07	69
	123	12	00	04	04
	132	3	00	09	31
	115	2	00	12	55

[F. No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 920.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़िनेरी से देवनगुडिट टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा चैन्नै-बेंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बेंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकता है।

### अनुसूची

मंडल : पालसमुद्रम		जिला : चित्तूर		राज्य : आन्ध्र प्रदेश	
गांव का नाम	सर्वेक्षण सं.	क्षेत्रफल			
		खण्ड सं.	उप- खण्ड सं.	हेक्टेयर	एयर वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
46. कृष्णजम्मा- पुरम	53	4	00	19	03
48. पालसमुद्रम	141	18	00	02	63
	141	10	00	02	03
	145	1	00	12	55
	76	4	00	26	92
	80	1	00	19	64
49. बेंगलराजु- कुप्पम	51	9	00	13	76
	33	13	00	05	26
	51	5	00	11	33
	33	8	00	08	10
	181	10	00	00	80
	85	-	00	08	10
	181	10A	00	14	17
	182	6	00	08	10
50. अमुदला	264	10	00	04	05
	262	5	00	04	05
	251	10	00	02	43
	264	19B, 19C	00	11	33
	136	4	00	06	48
	262	4	00	03	24
	262	3	00	03	64
	263	2	00	04	45
	264	12	00	07	29
	263	3	00	08	91
	251	7	00	03	23

(1)	(2)	(3)	(4)	(5)	(6)
50. अमुदला	136	12B	00	14	17
	188	A	00	10	12
	30	1A	00	30	77
	33	5B	00	06	88
51. अमिदुला पुत्तुर	106	8	00	04	86
	98	12	00	12	15

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 920.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

**SCHEDULE**

Mandal : Palasmudram District : Chittoor State : Andhra Pradesh

Name of Village	Survey No.	Sub-Division No.	Area		
			Hectare	Ares	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)	(6)
46. Krishna-jammapuram	53	4	00	19	03
48. Pala-samudram	141	18	00	02	63
	141	10	00	02	03
	145	1	00	12	55
	76	4	00	26	92
	80	1	00	19	64

(1)	(2)	(3)	(4)	(5)	(6)
49. Vengala-rajukuppam	51	9	00	13	76
	33	13	00	05	26
	51	5	00	11	33
	33	8	00	08	10
	181	10	00	00	80
	85	-	00	08	10
	181	10A	00	14	17
	182	6	00	08	10
50. Amudala	264	10	00	04	05
	262	5	00	04	05
	251	10	00	02	43
	264	19B, 19C	00	11	33
	136	4	00	06	48
	262	4	00	03	24
	262	3	00	03	64
	263	2	00	04	45
	264	12	00	07	29
	263	3	00	08	91
	251	7	00	03	23
	136	12B	00	14	17
	188	A	00	10	12
	30	1A	00	30	77
	33	5B	00	06	88
51. Amudala	106	8	00	04	86
Puttur	98	12	00	12	15

[F.No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 921.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्ने पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिक्रैनेरी से देवनगुट्टि टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा चैन्ने बेंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बैंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : विजयपुरम जिला : चित्तूर राज्य : आन्ध्र प्रदेश					
गांव का नाम	सर्वेक्षण सं.	क्षेत्रफल			
	खण्ड सं.	उप-खण्ड सं.	हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
29. महाराजा-पुरम	32	15A	00	08	70
	37	16B	00	04	86
	47	2	00	13	77
	45	6	00	08	50
	45	5	00	12	15
	31	11	00	06	48
	37	4A	00	02	02
	16	12	00	09	31
	37	16	00	06	07
	37	3	00	08	50
	12	7	00	09	71
	12	8C	00	12	15
32. पाथरकोड	155	6	00	14	57
	154	3A	00	05	26
	154	3B	00	05	67
	233	6	00	04	45
	232	2	00	02	02
	250	9	00	07	69
	247	6	00	04	05
	233	4	00	02	83
	250	10	00	01	62
	250	11	00	02	02
28. श्रीहरिपुरम	152	1	00	08	50

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

**S.O. 921.**— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

## SCHEDULE

Mandal : Vijayapuram District : Chittoor State : Andhra Pradesh

Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Ares	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)	(6)
2. Maharaja-Puram	32	15A	00	08	70
	37	16B	00	04	86
	47	2	00	13	77
	45	6	00	08	50
	45	5	00	12	15
	31	11	00	06	48
	37	4A	00	02	02
	16	12	00	09	31
	37	16	00	06	07
	37	3	00	08	50
	12	7	00	09	71
	12	8C	00	12	15
32. Patha Arcod	155	6	00	14	57
	154	3A	00	05	26
	154	3B	00	05	67
	233	6	00	04	45
	232	2	00	02	02
	250	9	00	07	69
	247	6	00	04	05
	233	4	00	02	83



(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
	250	9	00	07	69	70 गोल्लापल्ले	150	—	00	10	53
	247	6	00	04	05		182	बी	00	12	96
	233	4	00	02	83		147	—	00	05	27
	250	10	00	01	62		18	7बी	00	15	39
28 Srihari-puram	152	1	00	08	50	71 पालेरु	319	10	00	03	65

[F. No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 922.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्ने पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़ेनेरी से देवनगुट्ट टर्मिनल, बैंगलूर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चैन्ने-बैंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम. बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्ने-बैंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : बंगारुपालेम जिला : चित्तूर राज्य : आन्ध्र प्रदेश

गांव का नाम	सर्वेक्षण सं.	उप-खण्ड सं.	क्षेत्रफल हेक्टेयर	एयर वर्ग फीट	
(1)	(2)	(3)	(4)	(5)	(6)
67 कुर्माइपल्ले	58	7	00	01	62
	58	9	00	02	43
68 कल्लुपल्ले	189	8	00	02	43
	46	1सी	00	08	10
	46	5सी	00	05	27
	40	4	00	04	86

72 मोगिलि	111	6	00	04	05
	144	—	00	18	23
	148	—	00	04	05
	148	—	00	02	84
	154	5	00	02	03
	83	11ए	00	10	13
	167	4	00	03	24
	167	5	00	01	22
	172	11	00	14	18
	249	2सी	00	14	99
	249	2डी1	00	00	81
	249	2डीबी	00	23	49
	249	2ई	00	00	41
	252	1सी4	00	04	05
	282	—	00	08	10
	282	1बी	00	08	10
	290	—	00	14	38
	290	—	00	10	53
	49	2	00	04	86
	49	2	00	05	67
	49	3	00	29	16
	51	3बी	00	19	71
	51	3बी	00	23	49
	52	1	00	25	52
	52	2	00	12	96
	12	1	00	25	52
	16	1	00	21	47
	17	1	00	29	97

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
72 मोगिलि	101	4	00	30	38	68 Kathurapalle	180	8	00	00	43
	144	2	00	28	76		16	1C	00	08	10
	149	10	00	04	86		46	5C	00	05	27
	171	1	00	25	92		40	4	00	04	86
	171	5	00	09	32	70 Gollapalle	30	—	00	10	53
	282	2	00	19	04		12	B	00	12	96
	283	1	00	10	13		—	—	00	04	27
	284	—	00	19	85		13	7B	00	14	39
	49	4	00	12	96	71 Paleru	112	10	00	03	65
	83	3	00	17	42		12	12	00	03	65
	84	2ई	00	17	01		118	—	00	01	62
	86	10	00	06	08		119	3	00	06	08
	86	9	00	14	18		110	13	00	05	67
	99	3	00	59	13		114	—	00	04	46
[फा. सं. आर-25011/5/2007-ओआर-1]							114	8	00	07	29
बी. के. दत्ता, अवर सचिव						72 Moggili	113	6	00	14	05
New Delhi, the 29th March, 2010							111	—	00	18	23
S.O. 922.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited;							118	—	00	14	05
And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;							113	—	00	02	84
Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;							154	5	00	02	03
Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.							163	11A	00	10	13
SCHEDULE							167	4	00	13	24
Mandal : Bangarupalem District : Chittoor State : Andhra Pradesh							167	5	00	01	22
							172	11	00	14	18
							249	2C	00	14	99
							249	2D1	00	00	81
							249	2DB	00	23	49
							249	2E	00	00	41
							252	1C4	00	04	05
							262	—	00	08	10
							262	1B	00	08	10
							260	—	00	14	58
							260	—	00	10	53
							29	2	00	04	86
							29	2	00	05	67
							49	3	00	29	16
							31	3B	00	19	44
							31	3B	00	23	49
							52	1	00	25	52
(1)	(2)	(3)	(4)	(5)	(6)						
67 Kurmaipalle	58	7	00	01	62						
	58	9	00	02	—						

(1)	(2)	(3)	(4)	(5)	(6)	अनुसूची					
	52	2	00	12	96	मंडल : गंगावरम	जिला : चित्तूर	राज्य : आन्ध्र प्रदेश			
	12	1	00	25	52	गांव का नाम	सर्वेक्षण सं.	उप-खण्ड सं.	क्षेत्रफल		
	16	1	00	21	47		खण्ड सं.	खण्ड सं.	हेक्टेयर	एयर	वर्ग मीटर
	17	1	00	29	97						
	101	1	00	30	33						
	144	2	00	28	76						
	149	10	00	04	86	(1)	(2)	(3)	(4)	(5)	(6)
	171	1	00	25	92	80 कीलापल्लि	61	3बी	00	00	81
	171	5	00	09	32		111	—	00	00	81
	282	2	00	19	04		90	4ए	00	11	34
	283	1	00	10	13		206	5सी	00	32	40
	284	—	00	19	85	79 पल्लिगोडा	413	ए	00	04	05
	49	4	00	12	96		413	सी	00	22	28
	83	3	00	17	42		315	2	00	00	81
	84	2E	00	17	01	78 अमाडुगु	400	2ए	00	20	25
	86	10	00	06	08		399	ए	00	12	96
	86	9	00	14	18		525	ए	00	06	08
	99	3	00	59	13		641	बी	00	19	44

[F. No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 923.—केंद्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिक्रैनेरी से देवनगुडिट टर्मिनल, बैंगलूर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा चैन्नै-बैंगलूर "पाइपलाइन" बिछाई जानी चाहिए;

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम बाबय्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बैंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नाएडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

	525	बी	00	11	75
	393	ए	00	12	56
	640	ए2-3	00	04	05
	513	1ए	00	10	13
	638	4बी	00	10	94
	640	ए5-डी	00	08	10
	638	1C	00	07	70
76 दंडपल्ले	736	डी	00	04	05
	734	ए	00	02	84
	734	बी	00	01	22
	714	बी	00	02	03
	715	बी	00	04	05
	804	1बी-ए	00	05	67
77 जीडिमा-	262	2बी	00	08	51
कुलापल्लि	246	2बी	00	01	22
	249	2बी	00	03	24
	249	3डी	00	04	46
	128	1डी	00	02	43

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 923.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M. Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

## SCHEDULE

Mandal : Gangavaram District : Chittoor State : Andhra Pradesh

Name of the village	Survey No.	Sub-Division No.	Area		Sq. Mtr.
			Hectare	Ares	
(1)	(2)	(3)	(4)	(5)	(6)
80 Keelapalle	61	3B	00	00	81
	111	—	00	00	81
	90	4A	00	11	34
	206	5C	00	32	40
79 Pathikonda	413	A	00	04	05
	413	C	00	22	28
	315	2	00	00	81
78 Mamadugu	400	2A	00	20	25
	399	A	00	12	96
	525	A	00	06	08
	641	B	00	19	44
	525	B	00	11	75
	393	A	00	12	56
	640	A2-3	00	04	05

(1)	(2)	(3)	(4)	(5)	(6)
	513	1B	00	10	13
	638	4B	00	10	94
	640	A5-D	00	08	10
	638	1C	00	07	70
76 Dandapalle	736	D	00	04	05
	734	A	00	02	84
	734	B	00	01	22
	714	B	00	02	03
	715	B	00	04	05
	804	B-A	00	05	67
77 Jeedimaku-lapalle	262	2B	00	08	51
	246	2B	00	01	22
	249	2B	00	03	24
	249	3D	00	04	46
75 Maredu-palle	128	1D	00	02	43

[F. No. R-25011/5-2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 924.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफ़ेनेरी से देवनगुडि टर्मिनल, बेंगलूर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चैन्नै बेंगलूर पाइपलाइन" बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एम. बाबुबा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, चैन्नै-बेंगलूर पाइपलाइन परियोजना, अपार्टमेंट सं. 104, वत्सला टावर्स, नायडु बिल्डिंग्स, चित्तूर-517001, आन्ध्र प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

मंडल : बैरेडिडपल्ली जिला : चित्तूर राज्य : आन्ध्र प्रदेश					
गांव का नाम	सर्वेक्षण सं. खण्ड सं.	उप- खण्ड सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
84 आलापल्ली	29	7	00	01	62
	255	C	00	02	03
	250	B	00	03	65
	28	1	00	20	25

[फा. सं. आर-25011/5/2007-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 29th March, 2010

**S.O. 924.**—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri M Babaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No 104, Vatsala Towers, Naidu Buildings, Chittoor - 517 001, Andhra Pradesh.

## SCHEDULE

Mandal : Baireddipalle District : Chittoor State : Andhra Pradesh

Name of the village	Survey No.	Sub-Division No.	Area		
			Hectare	Ares	Sq. Mtr.
(1)	(2)	(3)	(4)	(5)	(6)
84 Alapalli	29	7	00	01	62
	255	C	00	02	03
	250	B	00	03	65
	28	1	00	20	25

[F.No. R-25011/5/2007-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 7 अप्रैल, 2010

**का.आ. 925.**—भारत सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में मैसर्स ब्रह्मपुत्र क्रैकर एण्ड पोलिमेर लिमिटेड द्वारा नेफथा पाइप लाइन, नेफथा अनलोडिंग स्टेशन तिनसुकिया गांव से पेट्रोकेमिकल काम्प्लैक्स लेपेटकाटा (डिब्रूगढ़ खण्ड) तक बिछाने के लिए उक्त अधिनियम के अधीन संलग्न सूची के स्तम्भ (1) में वर्णित व्यक्ति को स्तम्भ (2) में वर्णित क्षेत्र में सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

## अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री अमिताभ राजखोवा, अतिरिक्त उप कमिश्नर, जिला डिब्रूगढ़, आसाम	आसाम राज्य जिला डिब्रूगढ़, नेफथा पाइप, लाइन, नेफथा अनलोडिंग स्टेशन तिनसुकिया गांव से पेट्रोकेमिकल काम्प्लैक्स लेपेटकाटा (डिब्रूगढ़ खण्ड) बिछाने हेतु।

[फा. सं. एल-14014/24/2010-जीपी]

स्नेह पी. मदान, अवर सचिव

New Delhi, the 7th April, 2010

**S.O. 925.**—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby authorizes the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying of Naphtha pipeline from Naphtha Unloading Station at Tinsukia Gaon, Dibrugarh to Petrochemical Complex, Lapetkata by M/s Brahmaputra Cracker and Polymer Limited (BCPL) in the area mentioned in column (2) of the said schedule.

## SCHEDULE

Name and Address of the person	Area of Jurisdiction
(1)	(2)
Shri Amitabh Rajkhowa ACS (Additional Deputy Commissioner) Dibrugarh (Assam)	1- State of Assam areas falling in Dibrugarh District for laying of Naphtha pipeline from Naphtha Unloading Station at Tinsukia Gaon, Dibrugarh to Petrochemical Complex Lapetkata.

[F.No. L-14014/24/2010-GP]

SNEH P. MADAN, Under Secy.

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 926.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स ग्लायंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड (आर.जी.टी.आई.एल.) के द्वारा महाराष्ट्र राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 22 जनवरी, 2005 को प्रकाशित अधिसूचना का0आ0 259 दिनांक 18 जनवरी, 2005 द्वारा पदस्थापित, मै. एम.जी. भिमे, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उपनियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आ.जी.टी.आई.एल., जिसमें यथास्थित उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, के परामर्श में संलग्न अनुसूची के स्तंभ 4 में महाराष्ट्र राज्य के ठाणे जिले में यथा उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रारंभ की समाप्ति की तारीखों की घोषणा करता हूँ।

## अनुसूची

तहसिल: कल्याण		जिला: ठाणे		राज्य: महाराष्ट्र
क्र. स.	ग्राम का नाम	धारा 6(1) की का. आ. संख्या एवं दिनांक		प्रचालन की समाप्ति की तारीख
1	2	3		4
1	आपटी	1180	दिनांक 29/3/2005	12/3/2010
		254	दिनांक 4/2/2008	
		574(अ)	दिनांक 9/3/2010	
2	मांजली	1180	दिनांक 29/3/2005	12/3/2010
		254	दिनांक 4/2/2008	
		574(अ)	दिनांक 9/3/2010	
3	वाहोली	1180	दिनांक 29/3/2005	12/3/2010
		747(अ)	दिनांक 8/5/2007	
		254	दिनांक 4/2/2008	
		574(अ)	दिनांक 9/3/2010	
4	गावेली	1180	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
5	रेवती	1180	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
6	अनखर	1180	दिनांक 29/3/2005	12/3/2010
		747(अ)	दिनांक 8/5/2007	
		254	दिनांक 4/2/2008	
		574(अ)	दिनांक 9/3/2010	
7	टिटवाळा	1180	दिनांक 29/3/2005	12/3/2010
		254	दिनांक 4/2/2008	
		574(अ)	दिनांक 9/3/2010	
तहसिल: तलासरी		जिला: ठाणे		राज्य: महाराष्ट्र
1	तलासरी	1180	दिनांक 29/3/2005	12/3/2010
		747(अ)	दिनांक 8/5/2007	
		574(अ)	दिनांक 9/3/2010	
2	वरवंड	1180	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
3	उपलाट	1180	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	

1	2	3		4
तहसिल: अंबरनाथ		जिला: ठाणे		राज्य: महाराष्ट्र
1	काराव	2416	दिनांक 4/7/2005	12/3/2010
		341(अ)	दिनांक 9/3/2007	
		574(अ)	दिनांक 9/3/2010	
2	दापिवली	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
तहसिल: भिवंडी		जिला: ठाणे		राज्य: महाराष्ट्र
1	भादाणे	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
2	दल्हेपाडा	2416	दिनांक 4/7/2005	12/3/2010
		2486 (अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	
3	खलिंग बुदुक	2416	दिनांक 4/7/2005	12/3/2010
		2486 (अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	
4	लापे बुदुक	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
5	किरवली	2416	दिनांक 4/7/2005	12/3/2010
		721(अ)	दिनांक 7/4/2007	
		574(अ)	दिनांक 9/3/2010	
6	जाभिवली	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
7	खरिवली	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
8	दलोंडे	2416	दिनांक 4/7/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
9	दिघाशी	2416	दिनांक 4/7/2005	12/3/2010
		2486 (अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	
तहसिल: वाडा		जिला: ठाणे		राज्य: महाराष्ट्र
1	घोनमई	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
2	मुसारणे	1792	दिनांक 9/5/2005	12/3/2010
		1537	दिनांक 21/5/2007	
		574(अ)	दिनांक 9/3/2010	
3	चिंचघर	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
4	डोंगस्ते	1792	दिनांक 9/5/2005	12/3/2010
		1537	दिनांक 21/5/2007	
		574(अ)	दिनांक 9/3/2010	
5	भिलवली	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
6	खानिवली	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
7	अम्बिस्ते बु.	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
8	खरिवली	1792	दिनांक 9/5/2005	12/3/2010
		2486 (अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	

1	2	3	4
9	मांडे	1792 574(अ)	दिनांक 9/5/2005 दिनांक 9/3/2010
10	कलस खांड	1792 2486(अ) 574(अ)	दिनांक 9/5/2005 दिनांक 14/10/2008 दिनांक 9/3/2010
11	मुपांडे	1792 2486(अ) 574(अ)	दिनांक 9/5/2005 दिनांक 14/10/2008 दिनांक 9/3/2010

तहसिल: विक्रमगड		जिला: ठाणे		राज्य: महाराष्ट्र
1	म्हमगली	1792	दिनांक 9/5/2005	12/3/2010
		1537	दिनांक 21/5/2007	
		2486 (अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	
2	शिल	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
3	कोंडगांव	1792	दिनांक 9/5/2005	12/3/2010
		1537	दिनांक 21/5/2007	
		574(अ)	दिनांक 9/3/2010	
4	बेलधेत	1792	दिनांक 9/5/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	

तहसिल : डहाणु		जिला : ठाणे		राज्य : महाराष्ट्र
1	धनवरा	1181	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
2	विंचले	1181	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	
3	पुंजावे	1181	दिनांक 29/3/2005	12/3/2010
		2486(अ)	दिनांक 14/10/2008	
		574(अ)	दिनांक 9/3/2010	
4	पारडी	1181	दिनांक 29/3/2005	12/3/2010
		574(अ)	दिनांक 9/3/2010	

[पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन)  
अधिनियम, 1962 की धारा 17 के अंतर्गत संचित पेट्रोलियम और खनिज  
पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम  
4 के अंतर्गत भारत सरकार के राजपत्र के प्रकाशनाथ]

[फा सं. एल.-14014/22/2010-जी.पी.]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 5th April, 2010

s. O. 926.—In pursuance of powers conferred by Explanation 1 in sub-rule (1) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, S. D. Bhise, appointed by Government of India, Ministry of Petroleum and Natural Gas vide Notification S.O. 259 dated 18<sup>th</sup> January, 2005 (published in the Gazette of India on 22<sup>nd</sup> January, 2005) under Section 2(a) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to



perform the functions of Competent Authority for laying natural gas pipelines by M/s Reliance Gas Transportation Infrastructure Limited (RGTEL) in the State of Maharashtra, in consultation with M/s RGTEL, to whom the Right of User in land in that area has been vested and in whom the ownership of pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in District Thane in the State of Maharashtra.

**Schedule**

Tahsil: Kalyan		District: Thane			State: Maharashtra
Sr. No.	Village	S.O. No. & Date of Notification Under sub-section (1) of Section 6			Date of Termination of Operation
1	2	3			4
1	Apti	1180	Date	29/3/2005	12/3/2010
		254	Date	4/2/2008	
		574(E)	Date	9/3/2010	
2	Manjarli	1180	Date	29/3/2005	12/3/2010
		254	Date	4/2/2008	
		574(E)	Date	9/3/2010	
3	Vaholi	1180	Date	29/3/2005	12/3/2010
		747(E)	Date	8/5/2007	
		254	Date	4/2/2008	
		574(E)	Date	9/3/2010	
4	Goveli	1180	Date	29/3/2005	12/3/2010
		574(E)	Date	9/3/2010	
5	Revati	1180	Date	29/3/2005	12/3/2010
		574(E)	Date	9/3/2010	
6	Ankhar	1180	Date	29/3/2005	12/3/2010
		747(E)	Date	8/5/2007	
		254	Date	4/2/2008	
		574(E)	Date	9/3/2010	
7	Titwala	1180	Date	29/3/2005	12/3/2010
		254	Date	4/2/2008	
		574(E)	Date	9/3/2010	

Tahsil: Talasari		District: Thane			State: Maharashtra
1	Talasari	1180	Date	29/3/2005	12/3/2010
		747(E)	Date	8/5/2007	
		574(E)	Date	9/3/2010	
2	Varavade	1180	Date	29/3/2005	12/3/2010
		574(E)	Date	9/3/2010	
3	Uplat	1180	Date	29/3/2005	12/3/2010
		574(E)	Date	9/3/2010	

1	2	3			4
Tahsil: Ambernath		District: Thane			State: Maharashtra
1	Karav	2416	Date	4/7/2005	12/3/2010
		341(E)	Date	9/3/2007	
		574(E)	Date	9/3/2010	
2	Dapivali	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	

Tahsil: Bhiwandi		District: Thane			State: Maharashtra
1	Bhadane	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	
2	Dalhepada	2416	Date	4/7/2005	12/3/2010
		2486 (E)	Date	14/10/2008	
		574(E)	Date	9/3/2010	
3	Khaling Budruk	2416	Date	4/7/2005	12/3/2010
		2486 (E)	Date	14/10/2008	
		574(E)	Date	9/3/2010	
4	Lape Budruk	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	
5	Kiravali	2416	Date	4/7/2005	12/3/2010
		721(E)	Date	7/4/2007	
		574(E)	Date	9/3/2010	
6	Jambivali	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	
7	Kharivali	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	
8	Dalonde	2416	Date	4/7/2005	12/3/2010
		574(E)	Date	9/3/2010	
9	Dighashi	2416	Date	4/7/2005	12/3/2010
		2486 (E)	Date	14/10/2008	
		574(E)	Date	9/3/2010	

Tahsil: Wada		District: Thane			State: Maharashtra
1	Ghonsai	1792	Date	9/5/2005	12/3/2010
		574(E)	Date	9/3/2010	
2	Musame	1792	Date	9/5/2005	12/3/2010
		1537	Date	21/5/2007	
		574(E)	Date	9/3/2010	
3	Chinchghar	1792	Date	9/5/2005	12/3/2010
		574(E)	Date	9/3/2010	
4	Dongaste	1792	Date	9/5/2005	12/3/2010
		1537	Date	21/5/2007	
		574(E)	Date	9/3/2010	
5	Bhilavali	1792	Date	9/5/2005	12/3/2010
		574(E)	Date	9/3/2010	
6	Khanivali	1792	Date	9/5/2005	12/3/2010
		574(E)	Date	9/3/2010	

1	2	3	4
7	Ambiste Bk	1792 Date 9/5/2005 574(E) Date 9/3/2010	12/3/2010
8	Kharavali	1792 Date 9/5/2005 2486 (E) Date 14/10/2008 574(E) Date 9/3/2010	12/3/2010
9	Mande	1792 Date 9/5/2005 574(E) Date 9/3/2010	12/3/2010
10	Kalam Khand	1792 Date 9/5/2005 2486 (E) Date 14/10/2008 574(E) Date 9/3/2010	12/3/2010
11	Suponde	1792 Date 9/5/2005 2486 (E) Date 14/10/2008 574(E) Date 9/3/2010	12/3/2010

Tahsil: Vikramgad		District: Thane		State: Maharashtra
1	Mhasaroli	1792 Date 9/5/2005 1537 Date 21/5/2007 2486 (E) Date 14/10/2008 574(E) Date 9/3/2010		12/3/2010
2	Shil	1792 Date 9/5/2005 574(E) Date 9/3/2010		12/3/2010
3	Kondgaon	1792 Date 9/5/2005 1537 Date 21/5/2007 574(E) Date 9/3/2010		12/3/2010
4	Vilshet	1792 Date 9/5/2005 574(E) Date 9/3/2010		12/3/2010

Tahsil: Dahanu		District: Thane		State: Maharashtra
1	Dhanvara	1181 Date 29/3/2005 574(E) Date 9/3/2010		12/3/2010
2	Chinchale	1181 Date 29/3/2005 574(E) Date 9/3/2010		12/3/2010
3	Punajave	1181 Date 29/3/2005 2486 (E) Date 14/10/2008 574(E) Date 9/3/2010		12/3/2010
4	Pardi	1181 Date 29/3/2005 574(E) Date 9/3/2010		12/3/2010

[ To be published under Rule 4 of the P & M P (ARUL)  
Rules 1963, framed under Section 17 of P & M P (ARUL)  
Act, 1962 in official Gazette of India ]

[F. No. L-14014/22/2010-GP]  
SNEH P. MADAN, Under Secy.

नई दिल्ली, 5 अप्रैल, 2010

का. आ. 927.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड (आर.जी.टी. आई.एल.) के द्वारा महाराष्ट्र राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 22 जनवरी, 2005 को प्रकाशित, अधिसूचना का०आ० 259 दिनांक 18 जनवरी, 2005 द्वारा पदस्थापित, में, एस.डी.मिसे, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आर.जी.टी.आई.एल., जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तंभ 4 में महाराष्ट्र राज्य के पुणे, अहमदनगर और रायगड जिले में यथा उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ।

## अनुसूची

तहसिल: खेड		जिला: पुणे		राज्य: महाराष्ट्र
क्र. स.	ग्राम का नाम	धारा 6(1) की का. आ. संख्या एवं दिनांक		प्रचालन की समाप्ति की तारीख
1	2	3		4
1	सावळेवाडी	1606	दिनांक 27/04/2005	12/3/2010
		1055	दिनांक 09/04/2007	
		1333(अ)	दिनांक 22/05/2009	
		2862(अ)	दिनांक 9/11/2009	
		574(अ)	दिनांक 09/03/2010	
2	बहूल	1606	दिनांक 27/04/2005	12/3/2010
		1055	दिनांक 09/04/2007	
		1333(अ)	दिनांक 22/05/2009	
		2862(अ)	दिनांक 9/11/2009	
		574(अ)	दिनांक 09/03/2010	
तहसिल: शिरूर		जिला: पुणे		राज्य: महाराष्ट्र
1	इनामगाव	2322	दिनांक 27/06/2005	12/3/2010
		1056	दिनांक 09/04/2007	
		1188(अ)	दिनांक 06/05/2009	
		3070(अ)	दिनांक 30/11/2009	
		574(अ)	दिनांक 09/03/2010	
2	कोळेगाव डोळस	2322	दिनांक 27/06/2005	12/3/2010
		1056	दिनांक 09/04/2007	
		1188(अ)	दिनांक 06/05/2009	
		574(अ)	दिनांक 09/03/2010	

1	2	3	4
तहसिल: कर्जत	जिला: अहमदनगर	राज्य: महाराष्ट्र	
1 पिंपळवाडी	2236 दिनांक 21/06/2005	12/3/2010	
	1097 दिनांक 19/04/2007		
	1186(अ) दिनांक 05/05/2009		
	2863(अ) दिनांक 9/11/2009		
	574(अ) दिनांक 09/03/2010		
तहसिल: कर्जत	जिला: रायगड	राज्य: महाराष्ट्र	
1 मंदावणे	2237 दिनांक 21/06/2005	12/3/2010	
	4338 दिनांक 10/11/2006		
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
2 भालिवडी	2237 दिनांक 21/06/2005	12/3/2010	
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
3 कडाव	2237 दिनांक 21/06/2005	12/3/2010	
	4338 दिनांक 10/11/2006		
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
4 गणेशगांव चिंचोली	2237 दिनांक 21/06/2005	12/3/2010	
	4338 दिनांक 10/11/2006		
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
5 सालवड	2237 दिनांक 21/06/2005	12/3/2010	
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
6 वाकस	2237 दिनांक 21/06/2005	12/3/2010	
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
7 पिंपळोली बु	2237 दिनांक 21/06/2005	12/3/2010	
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		
8 तळवडे खुर्द	2237 दिनांक 21/06/2005	12/3/2010	
	4338 दिनांक 10/11/2006		
	1187(अ) दिनांक 06/05/2009		
	2844(अ) दिनांक 04/11/2009		
	574(अ) दिनांक 09/03/2010		

1	2	3	4
9	दहिवली	2237 दिनांक 21/06/2005 1187(अ) दिनांक 06/05/2009 2844(अ) दिनांक 04/11/2009 574(अ) दिनांक 09/03/2010	12/3/2010
10	विर्दोले	2237 दिनांक 21/06/2005 1187(अ) दिनांक 06/05/2009 2844(अ) दिनांक 04/11/2009 574(अ) दिनांक 09/03/2010	12/3/2010
11	माहाली	2237 दिनांक 21/06/2005 1187(अ) दिनांक 06/05/2009 2844(अ) दिनांक 04/11/2009 574(अ) दिनांक 09/03/2010	12/3/2010
12	निकोप	2237 दिनांक 21/06/2005 1187(अ) दिनांक 06/05/2009 2844(अ) दिनांक 04/11/2009 574(अ) दिनांक 09/03/2010	12/3/2010
13	पापाने	2237 दिनांक 21/06/2005 4338 दिनांक 10/11/2005 1187(अ) दिनांक 06/05/2009 2844(अ) दिनांक 04/11/2009 574(अ) दिनांक 09/03/2010	12/3/2010

[ पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत अर्जित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र में प्रकाशित ]

[ फा सं. एल.-14014/23/2010-जी.पी. ]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 5th April, 2010

S. O. 927.— In pursuance of powers conferred by Explanation 1 in sub-rule (1) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, **S. D. Bhise**, appointed by Government of India, Ministry of Petroleum and Natural Gas vide Notification S.O. 259 dated 18<sup>th</sup> January, 2005 (published in the Gazette of India on 22<sup>nd</sup> January, 2005) under Section 2(a) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/s Reliance Gas Transportation Infrastructure Limited (RGTEL) in the State of Maharashtra, in consultation with M/s RGTEL, to whom the Right of User in land in that area has been vested and in whom the ownership of pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in Districts Pune, Ahmednagar and Raigad in the State of Maharashtra.

## Schedule

Tahsil: Khed		District: Pune		State: Maharashtra	
Sr. No.	Village	S.O. No. & Date of Notification Under sub-section (1) of Section 6		Date of Termination of Operation	
1	2	3		4	
1	Sabalewadi	1606	Date	27/04/2005	12/3/2010
		1055	Date	09/04/2007	
		1333(E)	Date	22/05/2009	
		2862(E)	Date	9/11/2009	
		574(E)	Date	09/03/2010	
2	Bahul	1606	Date	27/04/2005	12/3/2010
		1055	Date	09/04/2007	
		1333(E)	Date	22/05/2009	
		2862(E)	Date	9/11/2009	
		574(E)	Date	09/03/2010	

Tahsil: Shirur		District: Pune		State: Maharashtra	
1	Inamgaon	2322	Date	27/06/2005	12/3/2010
		1056	Date	09/04/2007	
		1188(E)	Date	06/05/2009	
		3070(E)	Date	30/11/2009	
		574(E)	Date	09/03/2010	
2	Kolgaon Dolas	2322	Date	27/06/2005	12/3/2010
		1056	Date	09/04/2007	
		1188(E)	Date	06/05/2009	
		3070(E)	Date	30/11/2009	
		574(E)	Date	09/03/2010	

Tahsil: Karjat		District: Ahmednagar		State: Maharashtra	
1	Pimpalwadi	2236	Date	21/06/2005	12/3/2010
		1097	Date	19/04/2007	
		1186(E)	Date	05/05/2009	
		2863(E)	Date	9/11/2009	
		574(E)	Date	09/03/2010	

Tahsil: Karjat		District: Raigad		State: Maharashtra	
1	Mandavane	2237	Date	21/06/2005	12/3/2010
		4338	Date	10/11/2006	
		1187(E)	Date	06/05/2009	
		2844(E)	Date	4/11/2009	
		574(E)	Date	09/03/2010	

1	2	3		4
2	Bhailvadi	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
3	Kadav	2237	Date 21/06/2005	12/3/2010
		4338	Date 10/11/2006	
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
4	Ganegaon Chincholi	2237	Date 21/06/2005	12/3/2010
		4338	Date 10/11/2006	
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
5	Salvad	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
6	Vakkas	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
7	Pimploli Budruk	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
8	Talavade Khurd	2237	Date 21/06/2005	12/3/2010
		4338	Date 10/11/2006	
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
9	Dahiwali	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	
10	Birdoli	2237	Date 21/06/2005	12/3/2010
		1187(E)	Date 06/05/2009	
		2844(E)	Date 4/11/2009	
		574(E)	Date 09/03/2010	



1	2	3	4
11 Mohili	2237	Date 21/06/2005	12/3/2010
	1187(E)	Date 06/05/2009	
	2844(E)	Date 4/11/2009	
	574(E)	Date 09/03/2010	
12 Nikop	2237	Date 21/06/2005	12/3/2010
	1187(E)	Date 06/05/2009	
	2844(E)	Date 4/11/2009	
	574(E)	Date 09/03/2010	
13 Pashane	2237	Date 21/06/2005	12/3/2010
	4338	Date 10/11/2006	
	1187(E)	Date 06/05/2009	
	2844(E)	Date 4/11/2009	
	574(E)	Date 09/03/2010	

[ To be published under Rule 1963, framed under Section 17 of P & MP (ARUL) Act, 1962 in official Gazette of India. ]

[F. No. L-14014/23/2010-GP]  
SNEH P. MADAN, Under Secy.

नई दिल्ली, 9 अप्रैल, 2010

का. आ. 928. — पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड (आर.जी.टी. आई.एल.) के द्वारा महाराष्ट्र राज्य में प्राकृतिक गैस पाइपलाइन विछाई जाने हेतु सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 22 जनवरी, 2005 को प्रकाशित, अधिसूचना का०आ० 259 दिनांक 18 जनवरी, 2005 द्वारा प्राधिकृत, मैं, डी.एस. धोत्रे, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आर.जी.टी.आई.एल., जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तंभ 4 में महाराष्ट्र राज्य के लातूर, उस्मानाबाद और सोलापूर जिले में यथा उल्लेखित प्राकृतिक गैस पाइपलाइन विछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ।

## अनुसूची

तहसिल: निलंगा		जिला: लातूर			राज्य: महाराष्ट्र
क्र. स.	ग्राम का नाम	धारा 6(1) की का. आ. संख्या एवं दिनांक			प्रचालन की समाप्ति की तारीख
1	2	3			4
1	ममदापुर	1301	दिनांक	08/04/2005	12/03/2010
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	
2	हतरगा (हलसी)	1301	दिनांक	08/04/2005	12/03/2010
		4828	दिनांक	11/12/2006	
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	
3	हंदाळ	1301	दिनांक	08/04/2005	12/03/2010
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	

तहसिल: उमरगा		जिला: उस्मानाबाद			राज्य: महाराष्ट्र
1	बोरी	1301	दिनांक	08/04/2005	12/03/2010
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	

तहसिल: उस्मानाबाद		जिला: उस्मानाबाद			राज्य: महाराष्ट्र
1	विठ्ठलवाडी	1301	दिनांक	08/04/2005	12/03/2010
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	
2	उस्मानाबाद (ग्रामीण)	1301	दिनांक	08/04/2005	12/03/2010
		4828	दिनांक	11/12/2006	
		2695	दिनांक	20/09/2007	
		2904(अ)	दिनांक	06/12/2008	
		573(अ)	दिनांक	09/03/2010	

तहसिल: करमाळा		जिला: सोलापूर			राज्य: महाराष्ट्र
1	करंजे	1182	दिनांक	29/03/2005	12/03/2010
		64	दिनांक	07/01/2008	
		3167	दिनांक	22/10/2007	
		3350	दिनांक	16/12/2008	

1	2	3	4
1	करंजे (निरंतर)	2843(अ) दिनांक 04/11/2009 3240(अ) दिनांक 15/12/2009 573(अ) दिनांक 09/03/2010	12/03/2010
2	करमाळा	1182 दिनांक 29/03/2005 3167 दिनांक 22/10/2007 3350 दिनांक 16/12/2008 2843(अ) दिनांक 04/11/2009 3240(अ) दिनांक 15/12/2009 573(अ) दिनांक 09/03/2010	12/03/2010
3	मांगी	1182 दिनांक 29/03/2005 3167 दिनांक 22/10/2007 3350 दिनांक 16/12/2008 573(अ) दिनांक 09/03/2010	12/03/2010
4	रावगांव	1182 दिनांक 29/03/2005 3167 दिनांक 22/10/2007 3350 दिनांक 16/12/2008 2843(अ) दिनांक 04/11/2009 573(अ) दिनांक 09/03/2010	12/03/2010

[ पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संग्रहित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र के प्रकाशनार्थ ]

[ फा सं. एल.-14014/26/2010-जी.पी. ]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 9th April, 2010

S. O. 928.—In pursuance of powers conferred by Explanation 1 in sub-rule (1) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, D.S. Dhotre, authorised by Government of India, Ministry of Petroleum and Natural Gas vide Notification S.O. 259 dated 18<sup>th</sup> January, 2005 (published in the Gazette of India on 22<sup>nd</sup> January, 2005) under Section 2(a) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/s Reliance Gas Transportation Infrastructure Limited (RGTIL) in the State of Maharashtra, in consultation with M/s RGTIL, to whom the Right of User in land in that area has been vested and in whom the ownership of pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in Districts Latur, Osmanabad and Solapur in the State of Maharashtra.

**Schedule**

Tahsil: Nilanga		District: Latur			State: Maharashtra
Sr. No.	Village	S.O. No. & Date of Notification Under sub-section (1) of Section 6			Date of Termination of Operation
1	2	3			4
1	Mamdapur	1301	Date	08/04/2005	12/03/2010
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
		573(E)	Date	09/03/2010	
2	Hatarga(Halsi)	1301	Date	08/04/2005	12/03/2010
		4828	Date	11/12/2006	
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
3	Handral	1301	Date	08/04/2005	12/03/2010
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
		573(E)	Date	09/03/2010	

Tahsil: Umarga		District: Osmanabad			State: Maharashtra
1	Bori	1301	Date	08/04/2005	12/03/2010
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
		573(E)	Date	09/03/2010	

Tahsil: Osmanabad		District: Osmanabad			State: Maharashtra
1	Vitthalwadi	1301	Date	08/04/2005	12/03/2010
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
		573(E)	Date	09/03/2010	
2	Osmanabad(Rural)	1301	Date	08/04/2005	12/03/2010
		4828	Date	11/12/2006	
		2695	Date	20/09/2007	
		2904(E)	Date	06/12/2008	
		573(E)	Date	09/03/2010	

Tahsil: Karmala		District: Solapur			State: Maharashtra
1	Karanje	1182	Date	29/03/2005	12/03/2010
		64	Date	07/01/2008	
		3167	Date	22/10/2007	
		3350	Date	16/12/2008	
		2843(E)	Date	04/11/2009	
		3240(E)	Date	15/12/2009	
		573(E)	Date	09/03/2010	

1	2	3	4
2	Karmala	1182 Date 29/03/2005 3167 Date 22/10/2007 3350 Date 16/12/2008 2843(E) Date 04/11/2009 3240(E) Date 15/12/2009 573(E) Date 09/03/2010	12/03/2010
3	Mangi	1182 Date 29/03/2005 3167 Date 22/10/2007 3350 Date 16/12/2008 573(E) Date 09/03/2010	12/03/2010
4	Ravgaon	1182 Date 29/03/2005 3167 Date 22/10/2007 3350 Date 16/12/2008 2843(E) Date 04/11/2009 573(E) Date 09/03/2010	12/03/2010

[To be published under Rule 4 of the P& MP (ARUL)  
Rules 1963, framed under Section 17 of P& MP (ARUL)  
Act, 1962 in official Gazette of India.]

[F. No. L-14014/26/2010-GP]  
SNEH P. MADAN, Under Secy.

नई दिल्ली, 9 अप्रैल, 2010

का. आ. 929.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड (आर.जी.टी.आइ.एल.) के द्वारा गुजरात राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र

दिनांक 11 मार्च, 2006 को प्रकाशित, अधिसूचना का.आ. 960 दिनांक 07 मार्च, 2006, द्वारा पदस्थापित,

में, वी.आइ.गोहिल, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963

के नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स

आर.जी.टी.आइ.एल. जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र

में पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तम्भ 4 में गुजरात राज्य के सूरत जिले में

यथा उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ ।

## अनुसूची

तहसील : ओलपाड		जिला : सूरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के अधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 उमरा 4923 तारीख 18.12.2006 22.03.2010

575(अ) तारीख 09.03.2010

2 गोथाण 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

3 वसवारी 1963(अ) तारीख 19.11.2007 22.03.2010

4 कनाद 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

5 सरोली 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

तहसील : सूरत सीटी (पूर्ववत चोर्यासी तालुका)		जिला : सूरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के अधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 वरीयाव 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

तहसील : चोर्यासी		जिला : सूरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के अधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 विहेल 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

2 वणकला 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

3 ओखा 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

4 भेसाण 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

5 मलगामा 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

6 आसरमा 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

7 इच्छापोर 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

8 दामका 1963(अ) तारीख 19.11.2007 22.03.2010

575(अ) तारीख 09.03.2010

तहसील : चोर्यासी		जिला : सुरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के अधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
9	मोरा	1963 (अ) तारीख 19.11.2007 575 (अ) तारीख 09.03.2010	22.03.2010

[पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संस्थापित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र में प्रकाशनार्थ]

[फा सं. एल.-14014/25/2010-जी.पी.]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 9th April, 2010

S. O. 929.—In pursuance of powers conferred by Explanation(I) in sub rule(I) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules,1963, I, V.I.Gohil appointed by Government of India, Ministry of Petroleum & Natural Gas vide Notification S.O.960 dated 07th March,2006 (Published in the Gazette of India on 11th March,2006) under Section 2(a) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act,1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/s Reliance Gas Transportation Infrastructure Limited (RGTIL) in the State of Gujarat, in consultation with M/s RGTIL, to whom the Right of User in the land in that area has been vested and in whom the ownership of the pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in District Surat in the State of Gujarat.

Tehsil : Olpad		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4

1	Umara	4923 Date.18.12.2006 575(E) Date.09.03.2010	22.03.2010
2	Gothan	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
3	Vasvari	1963(E) Date.19.11.2007	22.03.2010
4	Kanad	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
5	Saroli	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010

Tehsil : Surat City (Earlier Tehsil Choryasi)		District : Surat	State : Gujarat
1	2	3	4

1	Variyav	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
---	---------	---	------------

Tehsil : Choryasi		District : Surat	State : Gujarat
1	2	3	4

1	Vihal	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
2	Vankala	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
3	Okha	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
4	Bhesan	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
5	Malgama	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
6	Asarma	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
7	Ichchhapor	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
8	Damka	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010
9	Mora	1963(E) Date.19.11.2007 575(E) Date.09.03.2010	22.03.2010

[To be published under Rule 4 of the P&MP (ARUL) Rules 1963, framed under Section 17 of P&MP (ARUL) Act, 1962 in official Gazette of India.]

[F. No. L-14014/25/2010-GP]  
SNEH P. MADAN, Under Secy.



**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 12 मार्च, 2010

का.आ. 930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, धनबाद के पंचाट (संदर्भ संख्या 130/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-10 को प्राप्त हुआ था।

[सं. एल-20012/139/2000-आईआर(सी-1)]

स्नेहलता जवास, डेस्क अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 12th March, 2010

S. O. 930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s B.C.C.L. and their workman, which was received by the Central Government on 12-4-2010.

[No. L-20012/139/2000-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD****PRESENT**

Shri H.M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

**Reference No. 130 of 2000**

Parties: Employers in relation to the management of NLOCP, C.V. Area of M/s. BCCL and their workman.

**APPEARANCES**

On behalf of the workman: Mr. R.N. Ganguly, Advocate

On behalf of the employers: Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal Dated : Dhanbad, the 19th February, 2010.

**AWARD**

1. The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/139/2000-IR (C-1), dated the 27th September, 2000.

**SCHEDULE**

“Whether the action of the management of NLOCP, C.V. Area of M/s. BCCL in not regularising

Sri Rajeshwar Prasad as Loading Clerk is justified? If not, to what relief is the concerned workman entitled and from what date?”

2. In this case a petition has been filed by the concerned workman praying therein to pass a No dispute Award on the ground that he is not willing to contest the case. No objection has been raised on behalf of the management in view of such prayer of the concerned workman.

3. Since the concerned workman involved in the dispute is not willing to contest the case and has prayed to pass a 'No dispute' Award, I do not find any reason to drag on the case suo motu any more. Under such circumstances, a 'No dispute' Award is passed in this case presuming non-existence of any industrial dispute between the parties.

H.M.SINGH, Presiding Officer

नई दिल्ली, 12 मार्च, 2010

का.आ. 931.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, चंडीगढ़ के पंचाट (संदर्भ सं. 223/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/99/2002-आईआर(बी-II)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th March, 2010

S. O. 931.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 223/2002) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 10-3-2010.

[No. L-12012/99/2002-IR(B-II)]

U. S. PANDEY, Desk Officer

**ANNEXURE****BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH**

Case No. I.D. No. 223/2002

Shri Gaurav Kumar S/o Shri K.S. Malhotra, 107/2, South Model Gram, Ludhiana-141001

.....Applicant

Versus

The Regional Manager, Bank of Baroda, Regional Office  
Punjab, Bank Square, Sector-17-B, Chandigarh-141001

....Respondent

## APPEARANCES

For the workman : Shri Raj Kaushik  
For the management : Shri B. B. Bagga

## AWARD

Passed on : 22-2-2010

1. Central Government vide notification No.L-12012/98/2002-(IR(B-II)), dated 24-09-2002, has referred the following dispute to this Tribunal for adjudication:

"Whether the workman has completed 240 days service or not? If so, whether the action of the management of Bank of Baroda in terminating the services of Shri Gaurav Kumar S/o Shri Prakash Chand, Peon w.e.f. 7-1-2002 is just and legal? If not, what relief the workman is entitled to and from which date?"

2. Case taken up for recording the evidence of the workman. Shri Raj Kaushik legal representative of the workman stated that the workman has not come despite the information given to him and appears to be not interested to pursue his reference. In view of the above, as the workman is not coming to pursue his case, the present claim in reference is returned to the Central Government for want of prosecution. Central Government be informed. File be consigned.

Chandigarh  
22-02-2010

G.K.SHARMA, Presiding Officer

नई दिल्ली, 12 मार्च, 2010

का.आ. 932.—औद्योगिक विवाद अधिनियम, 1947 (1947, का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, एर्नाकुलम से पंचाट (संदर्भ सं. 28/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-10 को प्राप्त हुआ था।

[सं. एल-12012/42/2008-आईआर(बी-II)]

यू.एस.पाण्डे, डेस्क अधिकारी

New Delhi, the 12th March, 2010

S.O. 932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.28/2008) of the Central Government Industrial Tribunal-cum-Labour Court,

Ernakulam now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 10-3-10.

[No.L-12012/42/2008-IR(B-II)]  
U.S.PANDEY, Desk Officer

## ANNEXURE

## IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L.Norbert, B.A., LL.B., Presiding Officer  
(Friday the 23rd day of February, 2010/4th Falguna, 1931)

I. D. 28/2008

Workman : R. Chandra Babu,  
Ambalathuvilakom Puthen Veedu,  
Muthiyavila, Kattakada P.O.,  
Thiruvananthapuram.

By Adv. Shri. Vijayachandra Babu.

Management : The Managing Director,  
Corporation Bank,  
Mangaladevi Temple Road,  
P.B.No. 88, Mangalore-575001.

By Adv. Vivek Varghese.

This case coming up for hearing on 29-01-2010, this Tribunal-cum-Labour Court on 23-02-2010 passed the following :

## AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:

"Whether the action on part of management of Corporation Bank in discharging the service of the workman, Shri R. Chandra Babu, Peon w.e.f. 19-04-1997 is justified? What relief the workman is entitled to?"

2. The facts of the case in brief are as follows:—  
Sri R.Chandra Babu, the workman in this case was appointed as Peon in Trivandrum branch of Corporation Bank on 03-10-1985. He worked as such till 19-04-1997. In 1996 the bank initiated disciplinary action on the ground that he had made false statement in an affidavit submitted to the bank regarding his caste and secured the job. A domestic enquiry was conducted and he was found guilty of the charge. The Disciplinary Authority discharged him from service on 19-04-1997. The appeal filed by him was rejected. The workman then raised the dispute.

3. According to the workman he filed an affidavit before the bank at the time of appointment based on his school leaving certificate regarding caste. He was

sponsored by the employment exchange. The government order that the workman does not belong to schedule tribe is based on report of KIRTADS (Kerala Institute for Research, Training and Development Studies). It is not a statutory body and the workman was not heard before drawing a report against him. The workman was not given an opportunity to make representation regarding the findings of Enquiry Officer. The Appellate Authority did not afford personal hearing before disposal of appeal. The management has no complaint regarding his work and conduct in the office. The punishment imposed is highly excessive. The workman is unemployed after his discharge from service. He is entitled to be reinstated.

4. According to the management the enquiry was conducted in compliance with the procedure and principles of natural justice. It is as per the order of the government that disciplinary action was taken against the workman. A copy of the enquiry report was given to the workman calling for his remarks and the workman had made submissions. The disciplinary authority had considered the submission of the workman and heard him before imposing the punishment. The Appellate Authority had heard the workman before deciding the appeal. It is the government that referred the caste issue of different persons to KIRTADS. There is long delay in raising the dispute. The workman has no right to remain in service after securing the job by misleading the bank.

5. In the light of the above contentions the following points arise for consideration:

1. Are the findings sustainable?
2. Is the punishment proper?

6. The evidence consist of Ext. M1 Enquiry File alone.

7. **Point No.1:-** It is an admitted fact that the name of the workman was sponsored by employment exchange. His caste in the list sent by Employment Exchange, Neyyattinkara is 'Malapandaram'. At the time of appointment the personal inventory of the workman was prepared and signed by the workman. His caste is shown as 'Malapandaram' in the inventory (Ext.M5). It was written by workman himself. Ext.M1 in the Enquiry file is the list sent by employment exchange to the bank. Ext.M2 is a letter of the bank calling the workman for interview and requiring him to produce 7 documents, one of which is his caste certificate. He did not produce the caste certificate. Ext.M3 is the appointment order and he was asked to join duty and produce photographs, proof regarding age and educational qualification, testimonials from two respectable persons and relieving certificate from last employer, if any. Ext. M4 is the letter submitted by the workman to the bank reporting for duty and producing documents required in the

appointment order. At that time no caste certificate was demanded. But by Ext. M6 dated 18-1-1986 the bank demanded caste certificate. The worker instead of producing a caste certificate, filed an affidavit stating that he belongs to Malapandaram community. The Government by Ext. M8 (a) order dated 3-6-1995 informed the bank regarding the caste of the worker that he did not belong to Scheduled Tribe and directed the bank to take action. It is then that the bank commenced disciplinary action against the workman by issuing a charge sheet. The charge sheet contains 2 allegations:

(1) knowingly making false statement in any document pertaining to and in connection with his employment in the bank clause 19.5 (m) of Bipartite Settlement.

(2) doing acts prejudicial to the interest of the bank Clause 19.5 (j).

It is mentioned in the enquiry report that at the end of evidence of the management the workman was questioned by the Enquiry Officer regarding evidence appearing against him. The workman then admitted that he was aware that he did not belong to Malapandaram community. Based on the personal inventory made by the workman and the affidavit filed before bank as well as the admission of the workman during questioning by the Enquiry Officer that he was aware that he did not belong to Scheduled Tribe and his community was only Pandaram which is not a Scheduled Tribe category, that the Enquiry Officer found him guilty of making a false statement in the documents for securing a job in the bank. Such act was held to be prejudicial to the interest of the bank.

8. The main contention of the learned counsel for the workman is that the workman had not deliberately created any false document but had filed an affidavit based on school records like admission register and S.S.L.C. At the time of admission he was not aware of his community and the information to the school was furnished by his parents. So also the community was shown as Malapandaram in the list forwarded by the Employment Exchange to the bank. It may be true that in his young age he would not have been aware that his community was not Malapandaram. It has come out in evidence that his brother is employed in State Bank of Travancore and disciplinary action was taken against him also on the basis of the same Government order. But the Labour Court, Kollam had reduced the punishment by ordering reinstatement as the junior most employee of his category. His sister who is facing the same disciplinary action is in the police department. But the workman did not produce a caste certificate at the time of interview or even subsequently. It has to be presumed from the circumstances that he did so deliberately, knowing that he did not belong to Scheduled Tribe community.

Hence his averments in the affidavit and entry in personal inventory are false. The findings of enquiry officer is therefore beyond reproach.

9. Regarding compliance with the principles of natural justice the enquiry report shows that the workman was defended by a defence representative. He had fully participated in the enquiry. He was given opportunity to adduced defence evidence. A copy of the report was given by the disciplinary authority calling for his remarks. He was heard regarding proposed punishment by the disciplinary authority. The Appellate Authority also heard him before appeal was decided. Thus ample opportunity was given and principles of natural justice were complied with and I am not able to find any lapse in the procedure in enquiry.

10. **Point No. 2** :—The punishment imposed is discharge from service. According to the workman the punishment is highly excessive. He is unemployed ever since he was discharged from service. He is the sole bread winner of his family. He has not done anything deliberately. The workman was appointed on 3-10-1985 and was discharged from service on 19-4-1997 almost after 12 years' service. No doubt there is a long delay in raising the dispute. Though he was discharged from service in 1997 he raised the dispute only after 10 years. The reason for the delay is explained in para 12 of his claim statement. The reason is that his brother who is working in State bank of Travancore faced the same disciplinary action. But the Labour Court interfered with the punishment of termination from service and ordered reinstatement as junior most employee of his category. The workman, it is said, waited for the verdict in respect of his brother before raising the dispute. That is how the delay occurred. The caste of the brother of the workman is not disputed by the management. But the management does not agree that both cases are similar. The workman has produced notification regarding publication of award passed by Labour Court, Kollam along with a copy of award. It shows that the misconduct is same and the award was published in Gazette of India on 31-1-2006. He was ordered to be reinstated as junior most in the cadre without back wages and attendant benefits.

11. It is submitted by the learned counsel for the workman on the basis of 3 decisions of Hon'ble Supreme Court reported in 1991-II-LLJ 65, 1997 SCC (L&S) 1305, 1998 SCC (L&S) 1116 as well as a decision of Bombay High Court reported in 1999-III-LLJ (Suppl) 1392 that action taken after long delay has deprived him of the chance of alternate employment and the punishment is harsh. On facts the decisions of Hon'ble Supreme Court do not squarely apply to the case on hand. However decision of Bombay High Court is relevant. There an employee of State of Maharashtra who was in the Medical and Health Service Department for 7 years, was terminated from

service by the employer on the ground that he had obtained appointment on the basis of a false caste claim. It was observed by Bombay High Court that scrutiny of his casts had to be done within a time frame that is, within probation period of 2 years in order to avoid the plight of concerned employee. No doubt the medical department was given opportunity to consider once again the caste name of the employee after hearing him. On the side of the management the learned counsel submitted that the Hon'ble Supreme Court in (2008) 4 SCC 612 and (2005) 7 SCC 690 (decisions are not furnished by the learned counsel) observed that persons who secured employment on the basis of false certificates cannot be allowed to retain the benefit of the wrong committed by them and their service are liable to be terminated. But it appears that in both cases the employee submitted false caste certificates to obtain job. Whereas in the instant case no caste certificate was produced by the workman. So the decisions referred by the learned counsel are not squarely applicable to the case on hand.

12. However the workman had submitted an affidavit stating that he belonged to 'Malapandaram' community, a scheduled tribe. The affidavit was filed on the basis of his school records. He worked for 12 years as Peon. The bank after 6 months' probation confirmed him in service. He was then aged 28 years. At the time of terminated from service he was aged 38 years. Now he is aged 51 years. He has wife and 2 children and he is the sole bread winner of his family. On the expectation that he would continue in service of bank he had settled down in life. The sap of his youth was tapped by the bank for 12 years. At this age of 51 it is difficult to get an alternate employment. But for the reservation he had the required qualification for the post of Peon. Nobody has any complaint regarding his performance or conduct. The bank had not insisted for a caste certificate either during probation period or even within a reasonable time. They slept over the matter for long and when they were roused by the government they pounced upon him for their pound of flesh, throwing the family on the street. Left to themselves the bank would not have verified the matter even now or taken any action. There was negligence on the part of the bank in verifying his eligibility for the job. Whether the brother and sister of the workman continues in service despite disciplinary action, is altogether a different question. But here the question is whether the workman can take advantage of his own wrong. The workman alone cannot be blamed for the situation. Had the bank done its duty properly, at the appropriate time the problem would not have arisen. The worker too would not have been put to an awkward situation. No doubt the misconduct proved is gross misconduct for which punishment should be commensurate. But for gross misconduct several punishment are provided in Clause 19.6 of the First Bipartite Settlement as follows :—

19.6 An employee found guilty of gross misconduct may :

- (a) be dismissed without notice; or
- (b) be warned or censured, or have an adverse remark entered against him; or
- (c) be fined; or
- (d) have his increment stopped; or
- (e) have his misconduct condoned and be merely discharged.

Anyone of the punishments can be imposed depending upon the gravity of the misconduct. Considering the long delay in taking disciplinary action, the number of years of service of the workman in the bank, his performance and conduct, his age and the poor family background, I don't think the maximum punishment is warranted in this case. Since the workman is otherwise qualified for the post, he shall be allowed to continue till superannuation but without back wages or attendant benefits or continuity of service or further increments or promotion.

In the result an award is passed finding that the action of the management in discharging the workman from service is not fair and just. The management is directed to reinstate him in service within a period of one month on publication of the award, but without back wages, attendant benefits, continuity of service, future increments and promotion.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 23rd day of February, 2010.

P. L. NORBERT, Presiding Officer

#### Appendix

Witness for the Workman	-	Nil
Witness for the Management	-	Nil
Exhibit for the Workman	-	Nil
Exhibit for the Management	-	
M1	-	Enquiry File.

नई दिल्ली, 12 मार्च, 2010

का.आ. 933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय एरनाकुलम के पंचाट (संदर्भ संख्या 12/

2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/74/2008-आईआर(बी-II)]

यू.एस.पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th March, 2010

S. O. 933.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2009) of the Central Government Industrial Tribunal/Labour Court Ernakulam now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 10-3-2010.

[No. L-12012/74/2008-IR(B-II)]

U.S.PANDEY, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri.P.L.Norbert, B.A., LL.B., Presiding Officer (Monday the 1st day of March, 2010/10th Falgunam, 1931)

I. D. 12/ 2009

**Workman** : Shri C. Rajagopalachari,  
Sree Kailas, Samrdhi Nagar-56,  
Asramam, Quilon-691 002.  
By Adv.Sri.Manoj R. Nair.

**Management** : The Regional Manager,  
Central Bank of India, P.B.No. 98  
Gopal Building, Thyvila Road,  
Thiruvananthapuram- 695 001

By Adv. Sir Devan Ramachandran.

This case coming up for hearing on 01-03-2010, this Tribunal-cum-Labour Court on the same day passed the following :

#### AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act challenging the disciplinary action against the workman.

2. Though both sides entered appearance and filed their pleadings when the matter was posted for examination of Enquiry Officer repeatedly the management was not ready and the Enquiry Officer remained absent always. In the circumstances it is unnecessary to keep the case pending indefinitely. It is for the management to prove that a proper enquiry was conducted and the charges stand proved as per the evidence adduced in the enquiry. Since the

management has not attempted to prove the same the enquiry cannot stand.

In the result as award is passed finding that the action of the management in compulsorily retiring the workman, Sri Rajagopalachari from service is not legal and justified and the workman is entitled to be reinstated with back wages and consequential benefits.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 1st day of March, 2010.

P. L. NORBERT, Presiding Officer

Appendix

Nil

नई दिल्ली, 12 मार्च, 2010

का.आ. 934.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 2/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/102/2007-आईआर(बी-11)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th March, 2010

S. O. 934.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/2008) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in Industrial Dispute between the the employees in relation to the management of Indian Bank and their workman, which was received by the Central Government on 10-3-2010.

[No. L-12012/102/2007-IR(B-II)]

U.S.PANDEY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th March, 2010

Present: A.N. Janardanan, Presiding Officer

#### Industrial Dispute No. 2/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workman)

#### BETWEEN

Shri S.P.Kumar : Petitioner/I Party

Vs.

The General Manager : Respondent/II Party

Indian Bank Head Office

Rajaji Salai

Chennai-600001

#### APPEARANCE

For the Petitioner : M/s. K.M.Ramesh

For the Management: M/s. T.S.Gopalan & Co.

#### AWARD

The Central Government, Ministry of Labour vide its Order No.L-12012/102/2007-IR (B-II) dated 17-12-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the Management of Indian Bank, Chennai in compulsorily retiring Shri S.P. Kumar, Sub-staff is fair and legal? If not, what relief he is entitled to?”

2. After the receipt of the Industrial Dispute, the referred ID was taken on file as ID 2/2008. Both sides entered appearance through their respective counsel and filed their Claim and Counter Statement as the case may be

3. The averments in the Claim Statement briefly read as follows:

The petitioner while was Sub-staff in Nanganallur branch of the Respondent/Bank was issued a Show Cause Notice dated 24-6-2002 for unauthorized transfer of Rs. 6,000 from SB A/c No. 6029 of Mr. V.Bharati Raj at the instance of the petitioner to his SBA/c 5086 on 24-1-2001 without the authority of the customer. The 2nd Charge Sheet dated 16-10-2002 was issued alleging the petitioner to have had fraudulently withdrawn from SB A/c No. 6029 of V.Bharati Raj. The disciplinary proceeding against him is against principles of natural justice. His suspension is mala fide. The enquiry conducted on 1st Charge Sheet was not impartial. The Enquiry Officer was personally biased against him. The management witness has not given any adverse comments against the 1st party. The enquiry is not fair or proper but is vitiated. The enquiry on the 2nd Charge Sheet also was not fair or proper. There were two enquiry reports. Common Show Cause Notice dated 6-10-2003 proposing punishment of Compulsory Retirement with superannuation benefits was issued to him. The petitioner submitted reply denying guilt. On 10-4-2002, the punishment was imposed. The appeal preferred was rejected on 10-6-2006. The punishment is illegal, unjustified and improper and is victimization in unfair

labour practice. The petitioner did not indulge in any misappropriation. The petitioner was not given opportunity to properly defend the charges. He was not given opportunity to examine the documents. No sufficient opportunity was given to cross-examine the management witness. The findings of the Enquiry Officer are perverse made without proper appreciation of the evidence. There is no proper application of mind by the Enquiry Officer, the Disciplinary Authority or the Appellate Authority. There is no necessity for two Charge Sheets or two enquiry proceedings. The Tribunal may re-appreciate the evidence under Section -11A of the ID Act. It is prayed that the punishment be held illegal and unjustified and the petitioner be reinstated into service with all attendant benefits.

4. Bereft of unnecessary details, the contentions raised in the Counter Statement are as follows:

On 24-1-2001, the petitioner seemed to present a Bank Debit Voucher for debiting SB A/c No. 6029 of one V. Bharati Raj for Rs. 6,000 with the petitioner's signature on the back side for transfer to his SB A/c No. 5086 to the Ledger Clerk Shankar Subramanian stating that the account holder had promised to issue a confirmation cheque in his favour and the amount may be transferred to his account. Accordingly, the sum was transferred by entries in the Ledger made by the concerned clerk on passing of voucher by Officer M. Chandrasekhar. By that transfer the account of petitioner with a debit balance of Rs. 5,673 resulted in a credit balance of Rs. 326. There was no confirmation cheque from account holder of SB A/c No. 6029. On 2-5-2002, the account holder came to know the petitioner having had unauthorizedly transferred Rs. 6,000 from his SB A/c 6029. On 3-5-2002, the account holder Bharati Raj complained in writing about the same and demanded credit of the sum with interest to his account. The petitioner was suspended on 30-5-2002. Show Cause Notice was issued on 24-6-2002 pointing out the misconduct. No reply was furnished. Charge Sheet was issued on 8-10-2002. An enquiry was conducted from 30-10-2002 to 27-1-2003. On 27-11-2002 at the instance of the petitioner, Bharati Raj wrote a letter to the Branch Manager reporting the petitioner to have had remitted Rs. 6,000 with interest to his account simultaneously issuing a withdrawal slip for Rs. 6,000. By the enquiry report dated 12-4-2003, charge was found proved. Copy was furnished to the petitioner to which on 21-5-2003, he gave reply. On 6-10-2003, notice proposing punishment of Compulsory Retirement was issued. He replied on 19-11-2003. On 25-11-2003, he was heard personally. He prayed for punishment short of termination of employment. On 5-12-2003, an order of Compulsory Retirement with superannuation benefits was passed. On 17-6-2003 for some other irregularities he was charge sheeted and an enquiry was held and order of punishment of compulsory retirement was passed on 8-9-2003. Similar practices were being perpetrated by the petitioner as

noticed between 21-12-2000 and 15-4-2001. The petitioner had been subjected to disciplinary action in 3 vigilance cases. The show cause notice dated 6-10-2003 related to the Vigilance Case No. 519. The petitioner was given every opportunity to vindicate his stand in the enquiry. The enquiry is not biased and is not liable to be interfered with. The benefits of money enjoyed by the petitioner from 24-1-2001 to November, 2002 amounts to misappropriation. There is no scope to interfere with the punishment.

5. The evidence consists of the oral evidence of WW1 and Ex. W1 to Ex. W3 on the petitioner's side. On the Respondent's side, no oral evidence was adduced and Ex. M1 to Ex. M20 were marked of which Ex. M1 to Ex. M17 were on consent.

6. The points for consideration are :

- (i) Whether the punishment of Compulsory Retirement on the petitioner/sub-staff is fair and legal ?
- (ii) To what relief the concerned workman is entitled ?

Points (i) and (ii)

7. The learned counsel for the petitioner limited his arguments to the aspect that on Ex. M6 complaint dated 04-05-2002, the petitioner was proceeded against which complaint was withdrawn by the same complainant under Ex. M11 since the petitioner in the meantime remitted the amount in the debit balance being Rs. 6,000. He continued to argue that there was no need to continue the proceedings against the petitioner and that there is no loss to the bank. According to him the complaint was only to get back the money. There is no misconduct warranting any disciplinary action culminating in any punishment.

8. The contra argument on behalf of the Respondent/ Management advanced by its learned counsel is that it is the propensity to be dishonest which tempted the petitioner to commit the misconduct of illegally transferring Rs. 6,000 from the account of complainant, Bharati Raj viz. from SB A/c. No. 6029 to the SB A/c. No. 5086 in the name of the petitioner by debiting against the account of Bharati Raj and crediting to the account of the petitioner. The sum is of Rs. 6,000 with which the credit balance in the account of the petitioner showed Rs. 326 as against an overdrawn amount of Rs. 5,673 as shown in the ledger account of the petitioner at the relevant time. Both the credit and debit vouchers are signed by the petitioner. The same is a serious misconduct. Though there is no loss occasioned to the Bank, there is wrongful gain by the petitioner. The petitioner does not deserve any lenient treatment in the matter of punishment and therefore there is no scope for interference with the punishment as well.

9. On a consideration of the rival contentions, I am led to hold that there is nothing wrong with the enquiry or

the finding as well as the punishment imposed. The punishment imposed is Compulsory Retirement with superannuation benefit and the petitioner has already been in receipt of the benefits. The punishment is only to be kept intact warranting no interference by this Tribunal. The petitioner is not entitled to any relief.

10. The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th March, 2010)

A. N. JANARDANAN, Presiding Officer

#### Witnesses Examined :

For the I Party/Petitioner : WW1, Sri S. P. Kumar

For the II Party/Management : None

#### Documents Marked :—

##### From the Petitioner's side

Ex. No.	Date	Description
Ex. W1	12-03-2003	Letter of the Defence Representative to the Enquiry Officer enclosing therewith the summing up of the defence on the enquiry proceeding held against the 1st Party.
Ex. W2	17-01-2004	Appeal submitted to the Appellate Authority by the 1st Party/Petitioner.
Ex. W3	10-06-2006	Letter from the Chief Manager (HRM), HRM Department, Head Office of the Respondent Bank regarding disposal of the Appeal by the Appellate Authority.

##### On the Management's side

Ex. No.	Date	Description
Ex. M1	30-05-2002	Suspension letter issued to Petitioner.
Ex. M2	24-06-2002	Show Cause Notice issued to the petitioner initiation of disciplinary action.
Ex. M3	08-10-2002	Charge memo issued to the petitioner
Ex. M4	-	Enquiry proceedings.
Ex. M5	04-05-2002	Letter from the Respondent to the AGM, Circle Office, Office regarding the complaint letter of customer (ME.1).

Ex. M6	04-05-2002	Complaint letter addressed by the customer to the Respondent regarding the unauthorized transfer of money from his account (ME.2).
Ex. M7	-	Entry details in respect of A/c. No.16029 pertaining to Mr. Bharathi Raj (ME.3)
Ex. M8	-	Statement of Account pertaining to the customer SB A/c. No. 6029 (ME.4).
Ex. M9	-	Statement of Account pertaining to the petitioner in SB A/c. No. 5086 (ME.5).
Ex. M10	24-01-2001	Challan details of transfer remittance in respect of debit entry for a sum of Rs. 6,000 (ME.6).
Ex. M11	04-12-2002	Letter of the Respondent to the Circle Office enclosing the letter from the customer (DE.1).
Ex. M12	12-04-2003	Findings of the Enquiry Officer
Ex. M613	16-04-2003	Letter of the Respondent to the petitioner enclosing the copy of the findings of the Enquiry Officer.
Ex. M14	21-05-2003	Reply by the petitioner.
Ex. M15	06-10-2003	Second Show Cause Notice issued to the petitioner
Ex. M16	19-11-2003	Reply by the petitioner
Ex. M17	05-12-2003	Punishment of compulsory retirement issued to the petitioner.
Ex. M18	17-06-2002	Charge Memo issued to the petitioner.
Ex. M19	07-02-2003	Letter issued to the petitioner by the Respondent calling for explanation in respect of several irregularities committed.
Ex. M20	01-09-2003	Letter by the Respondent to the General Manager/ Disciplinary Authority informing the findings of Enquiry Officer in respect of Charge Sheet dated 17-06-2002.



नई दिल्ली, 12 मार्च, 2010

**का. आ. 935.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 42 ऑफ 2003 को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/161/2003-आई आर(बी-II)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th March, 2010

**S. O. 935.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.42 of 2003) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 12-3-2010.

[No. L-12012/161/2003-IR(B-II)]

U.S. PANDEY, Desk Officer

#### ANNEXURE

**BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR**

**Industrial Dispute No. 42 of 2003**

In the matter of dispute between :

Sri Mahadeo Narain Dogre

Son of Sh. Ram S Dagore

House No. 23/158,

Jeewani Mandi,

Agra.

AND

The Assistant General Manager,

Indian Bank, Circle Office,

Habubullah Estate,

Hazaratganj,

Lucknow.

#### AWARD

1. Central Government, MOL, New Delhi, vide notification no. L-12012/161/2003-IR(B-II) dated 27-11-2003 has referred the following dispute for adjudication to this tribunal.

2. "Whether the action of the management of Indian Bank, Agra in terminating the services of Sri Mahadev Narain Dogre Part time Sweeper with effect from 16-07-99 was legal and justified? If not what relief is the workman concerned entitled to?"

3. Briefly stated facts of the case are that the claimant applicant has alleged that his services have been terminated unlawfully without following the principles of

natural justice. He alleged that he was employed on 1-11-86, as part time sweeper under the management Indian Bank Agra for the post of part time sweeper with basic pay of Rs. 450 per month and he remained in service till 21-08-95, on 22-8-95 he was suspended, he was served with a show cause notice on 14-3-98. It has further been pleaded that the opposite party completed the inquiry in formal manner and terminated his services vide order dated 16-7-99 and he made an appeal which was also rejected. On the basis of above pleadings it has been prayed that the order of termination of his service be set aside and he be reinstated in the service with full pay and allowance together with continuity of service and all consequential benefits.

4. Opposite party has filed the written statement alleging that the claimant was part time sweeper but he was unpunctual and not discharging his duties. Often he used to come in drunken state and picking up quarrel with the employees and customers of the bank causing serious damage to the image of the bank. He was issued a charge sheet on 14-12-94. He was also issued another charge sheet on 24-4-95 for his alleged misconduct mentioned in paragraph 3 of the written statement. He was placed under suspension on 22-8-95. He was also issued one more charge sheet on 06-09-95 for the charges mentioned in Para 4 of the written statement. Enquiry proceedings were adjourned on a number of times but the delinquent employee did not cooperate with the inquiry. The disciplinary authority after going through the findings of the enquiry officer concurred with the findings and imposed the punishment of dismissal without notice upon the claimant including other punishment of stoppage of next increment for a period of six months with cumulative effect as mentioned in Para 8. Complainant made an appeal also but he did not appear before the appellate authority. On his request he was allowed to avail travelling allowance for appearing before the appellate authority and later on the claimant appeared before the appellate authority and he was heard thoroughly. But the appellate authority after going through the evidence and after giving hearing opportunity he rejected the appeal. Therefore, it is wrong to say that the workman was not given proper opportunity to defend his case.

5. Claimant also filed the counter reply denying the aversion made by the opposite party in the written statement and reiterated his own averments.

6. I heard the case perused the record thoroughly.

7. The claimant was given sufficient time and opportunities to produce evidence but no party produced any evidence either oral or documentary.

8. The only point is to be decided in the present reference is whether the action of the opposite party in terminating the services of the claimant was legal and justified. It has been alleged by the claimant that he was a part time sweeper. Opposite party has alleged that the

claimant was unpunctual and not discharging his duties properly. He used to come in drunker state and picking up quarrel with the employees and the customers of the bank. It was also alleged that the delinquent employees was issued three charge sheets and inquiry was conducted therein and he was given proper opportunity to defend himself and a thorough inquiry were conducted by the enquiry officers and the disciplinary authority after going through findings of the enquiry officers and after considering the same he also gave an opportunity of personal hearing to the delinquent employee in the matter and concurred with the findings of the enquiry officer and imposed punishment of dismissal.

9. In such circumstances I feel that the burden of proving allegations as mentioned in the claim statement prima facie in the first stage lies on the claimant, but he did not appear even before the tribunal and the court after giving so many opportunities to prove the pleadings. Some evidence is required, but the claimant did not take the care to prove the pleadings. He did not appear to argue the case whereas opposite party was present and they opposed the claim of the claimant.

10. Under these circumstances I find that the claimant has failed to prove his case, therefore, reference is decided against the claimant and in favour of the opposite party.

RAM PRAKASH, Presiding Officer

नई दिल्ली, 12 मार्च, 2010

का. अ. 936,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भात 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या एन.जी.पी. /5/08) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/112/2007-आई अर(बी-II)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 12th March, 2010

S. O. 936.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. NGP/5/08) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 12-3-2010.

[No. L-12012/112/2007-IR(B-II)]

U.S. PANDEY, Desk Officer

## ANNEXURE

### BEFORE SHRI A.N. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/5/08

Date 25-2-2010.

**Petitioner/** : Shri Prakash Ramdas Gangapag,  
**Party No. 1** Jagjiwan Ram Nagar, At-Tapa Road,  
Akola (M.S.)

Versus

**Rsponden/** : The Sr. Divisional Manager,  
**Party No. 2** Punjab National Bank,  
Divisional Office, Kingsway,  
S.V. Patel Marg,  
Nagpur-440001. (M.S.)

## AWARD

Dated 25th February, 2010

1. The Central Government after satisfying the existence of dispute between Shri Prakash Ramdas Gangapag, Akola (Party No. 1) and the Sr. Divisional Manager, Punjab National Bank, Divisional Office, Kingsway, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No.L-12012/112/2007-IR(B-II) dated 5-2-2008 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the Disciplinary Authority (Sr. Regional Manager, P.N.B. Nagpur) in awarding a punishment of Discharging from service with superannuation benefits (Pension, Provident Fund & Gratuity) without disqualification from future employment is justified, legal and proper. If not then what relief the concerned workman is entitled to?"

3. The reference came up for hearing on 10-4-2008 on which both the parties were present and filed their Vakalatname. Since then the petitioner and his counsel were absent for more than one year. The Counsel for Petitioner has not filed his Statement of Claim. On 24-2-2010, the petitioner and his counsel were also absent. It seems that the Petitioner is not interested in prosecuting the case. I do not think it proper to continue it on the same stage years together. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief. Hence this Award.

Dated: 25-2-2010.

A. N. YADAV, Presiding Officer

नई दिल्ली, 16 मार्च, 2010

का. आ. 937.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, दिल्ली के पंचाट (संदर्भ संख्या (21/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/133/2005-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2010

S. O. 937.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2006) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 16-3-2010.

[No. L-12012/133/2005-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, KARKARDOOMA COURT,  
COMPLEX, DELHI

Industrial Dispute No. 21/2006

Subhash Kumar,  
Village Lalsana, Office Rajnpura,  
Distt. Meerut (U.P.),  
Meerut (U.P.)

... Claimant

Versus

The Assistant General Manager,  
State Bank of India,  
Regional-1, Zonal Office,  
Garh Road, Meerut,  
Meerut (U.P.)

... Management

#### AWARD

Local Implementation Committee, Kesarganj Branch, State Bank of India, Garh Road, Meerut (hereinafter referred to as the Committee), appointed Shri Subhash Kumar as a canteen boy. He served the Committee w.e.f. 22-7-1994 till 30-6-2004. When his services were disengaged, he raised an industrial dispute before the Conciliation Officer. On receipt of the failure report the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-12012/133/2005-IR(B-1), New Delhi dated 6-6-2006, with the following terms :

“Whether the person Shri Subhash Kumar engaged in the State Bank of India, Kesarganj Branch, Meerut w.e.f. 22-7-1994 to 30-6-2004 was employed regularly on the work of messenger/peon? If so, his disengagement/termination from the Kesarganj Branch, Meerut w.e.f. 1-7-2004 without any notice

and compensation is legal, fair and justified? If not to what relief the workman is entitled to?”

2. In his claim statement, Shri Subhash Kumar projects that he was appointed as Messenger-cum-Canteen Boy-cum-General Servant at Kesarganj Branch, State Bank of India, on 22-7-1994. He worked regularly on the said post till 30-6-2004. He used to perform duties of Messenger-cum-General Servant-cum-Canteen Boy from 9 AM to 6 PM. Indoor and outdoor duties of a messenger were also performed by him various Vouchers, on the strength of which payments were released in his favour, would project that he performed outdoor duties of a messenger. Circular dated 25-5-1991 highlights that a Canteen Boy, whose services have been utilized for 30 days as a messenger in a calendar year and paid conveyance bills for outdoor duties, shall be eligible for being considered for absorption in bank services. A large number of canteen boys were regularized in services of the bank, in terms of agreement dated 27-10-1988 and 9-1-1990. He submitted several representations for regularization of his services. Instead of regularizing him, his services were dispensed with w.e.f. 1-7-2004. He was not paid minimum wages as per circular dated 12-11-1997. Termination of his service is violative of the provisions of Section 25-F of the I.D. Act. He seeks reinstatement of his services with continuity and full back wages, besides payment of minimum wages, in pursuance of Bipartite Settlement for the period he served the bank.

3. Context was given to the claim by the management pleading that Subhash Kumar was employed by the Committee as a Canteen Boy and as such no relationship of employer and employee existed between him and the management bank. There is no obligation on the part of the bank to provide canteen facilities to its employees, thereby creating relationship of employer and employee between the claimant and the bank. Bank was not involved in the management of the bank canteen run by the Committee. The claimant performed duties under guidance and supervision of the Committee. Whenever he performed duties for the bank due to exigency of work he was paid for that work. Casual work performed by him would not create any relationship of employer and employee between the parties. It has been claimed that since the claimant was not an employee of the bank, his claim is devoid of merits. It may be dismissed.

4. On pleadings of the parties following issues were settled :

1. Whether there is no master and servant relationship between the claimant and the management?

2. As in terms of reference?

3. relief.

5. Claimant has examined himself in support of his claim. Shri Brahma Nand Nigam was examined by the management to support their defence. No other witness was examined by either of the parties.

6. Arguments were heard at the bar. Shri J. N. Kapur, authorised representative, advanced arguments on behalf

of the claimant. Shri Pravin Sharma, authorised representative, raised his submissions on behalf of the management. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :—

**Issue No. 1.**

7. Claimant unfolds that he joined service at Kesarganj Branch of the Bank on 22-7-1994 as canteen boy. He was paid Rs. 700 PM towards his wages. He used to go to other branches for clearing purposes, besides attending jobs at post office. He served the bank continuously upto 1st of July, 2004. His services were orally terminated. No notice or pay in lieu thereof was given to him. He was not paid any retrenchment compensation. He was paid conveyance charges by the bank for outside duties. His conveyance charges bills are Ex. WW1/1 to Ex. WW 1/90. During the course of his cross examination he admits that he was kept on job for preparing tea for employees of the bank, as well as for outside jobs. He admits that he was paid by the bank for outside job. One Pramod Aggarwal was approached by him for the job.

8. Shri Brahma Nand Nigam detailed that Subhash Kumar was appointed to serve tea by the Secretary of the Committee. Subhash Kumar was never in the employment of the bank. He used to serve tea and water to the staff of the bank. When a permanent messenger used to be on leave in that eventuality work was taken from an employee employed by the Committee. Payment of wages of an employee, employed by the Committee, is being paid out of the account of the Committee. Bank was having no control over the functions of Subhash Kumar. His actions were supervised by the Secretary of the Committee. He admits that whenever a permanent messenger happens to be on leave work is taken from a Canteen Boy. Conveyance charges cannot be paid to a person who is not employee of the bank. Remunerations were being paid to Subhash Kumar through cheques.

9. Out of facts projected by Shri Brahma Nand Nigam and those conceded to by the claimant, it came to light that the claimant was appointed as Canteen Boy by the Committee. He served the Committee till 1st of July, 2004. For that purpose remuneration was being paid to him by the Committee. Whenever a permanent messenger was on leave the claimant was sent to perform job of a messenger. He was paid for those casual jobs. Vouchers Ex. WW 1/1 to Ex. WW 1/90 project that fact. Therefore, out of facts projected by the parties it came to light that the claimant was engaged as Canteen Boy by the Committee. It is not disputed that the Committee runs a canteen and employs a Canteen Boy.

10. It is an admitted fact that the bank bears by way of subsidy to the extent of 95% of the cost incurred by the canteens for payment of salary, provident fund contribution, gratuity, uniform etc. and also provides premises, furniture, utensils, electricity, water etc. to the

Committee free of charge. The canteen so run by the Committee is not a statutory canteen. The Committee is not under any legal obligation to run such a canteen. Bank does not exercise supervision and control on the work of Canteen Boy employed by the Committee. The bank has absolutely no right to take any disciplinary action or to direct any employee of the Committee to do a particular work. In the absence of any obligation, statutory or otherwise for running a canteen by the bank, an employee of the Committee cannot be termed as an employee of the bank. Law to this effect was laid by the Apex Court in Reserve Bank of India's case [1996(3) S.C.C. 267].

11. In State Bank of India's case (AIR 2000 SC 1518) the Apex Court was seized of such a proposition. It was ruled therein that canteens run by the Committee for providing certain amenities in the branch are non statutory, non recognized canteens, because admittedly there is neither statutory provision nor any obligation arising out of award or contract between the bank and its employees to run such canteen. Employees of the canteens, which are being run at various branches by Local Implementation Committee would not become employee of the bank, as bank is not having any statutory or contractual obligation to run such canteens. Bank does not employ Canteen Boys. Bank does not supervise or control their work. For appointing a Canteen Boy there are no rules framed by the bank. The Bank has nothing to do with the running of the Canteen. The scheme framed by the bank for running of a Canteen by Local Implementation Committee only promotes welfare activities for benefit of its employees. Therefore, it cannot be said that Canteen Boys are employees of the Bank.

12. Ex. WW 1/1 to Ex. WW 1/90 project that the claimant was sent for casual jobs by the bank, for which he was paid. There are only 90 vouchers from December, 1994 till June, 2004, on the strength of which coolie charges were paid to him. Documents referred above simply project that the claimant was paid charges for casual job performed by him. Those casual jobs were taken from the claimant in the case of exigencies. Documents referred above show that claimant was asked to perform job for the bank at intervals, for which he was paid. These documents nowhere project that the claimant was engaged as an employee by the management bank. Consequently these documents nowhere create relationship of master and servant between the bank and the claimant. Applying the law laid above it is evident that the claimant who was working as Canteen Boy under the supervision of the Committee cannot be called to be an employee of the Bank. The issue is, therefore, answered in favour of the bank and against the claimant.

**Issue No. 2.**

13. Claimant places reliance on circular Ex. MW1/W1. Perusal of this circular highlights that the bank invited application from casual employees for their absorption. When jobs of casual nature were taken from Canteen Boy, their cases were also considered for absorption. However, circular Ex. MW1/W1 makes it clear that practice of asking

Canteen Boys to perform jobs of casual nature for the bank was deprecated. This circular was issued in 1991, much prior to the date when claimant performed casual jobs for the bank. Contents of the circular make it clear that the bank never intended to absorb services of Canteen Boys, employed by the Local Implementation Committee, in future.

14. Whether claimant can seek application of the said circular to his case? For an answer, legal provisions are to be taken not of. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constitution. The guiding principles laid in Article 14 are that persons who are similarly situated, shall be treated alike both in privileges conferred and liability imposed, which means that amongst equals the law should be equal and should be equally administered and that like should be treated alike. Article 16 of the Constitution guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers, Government is also entitled to pick and choose from amongst a large number of candidates offering themselves for employment. But the selection process must not be arbitrary. The guarantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointments (b) promotions (c) termination of employment (d) and matters relating to salary, periodical increments, leaves, gratuity, pension, age of superannuation etc. Matters relating to employment or appointments include all matters in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

15. Fundamental rights guaranteed by article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable ground of discretion. Classification is the recognition of the relations, and in making it the Government must be allowed a wide latitude of discretion and judgment. In a way, the consequences of such classification would undoubtedly be to differentiate persons belonging to that class from others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made according to the nature of persons, nature of business, and may be based with reference to time.

16. Concept of equality guaranteed by article 16 of the constitution is something more than formal equality and enables the underprivileged groups to have a fair share by having more than equal chance and enables the State to give favoured treatment to those groups by achieving real equality with reference to social needs. 'Protection discrimination' enabled the State to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and

incentives to them. Therefore a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups, based on in terms of nature of persons, nature of business and with reference to time. Therefore classification based on experience, in relation to time for which personal drives employed by the officers of the bank had served, has a reasonable differentia.

17. To claim equality with the aforesaid canteen boys, it was for the claimant to show that he stood on equal footing with them. Not even an iota of fact has been brought over the record by the claimant to show that he was at par with the aforesaid canteen boys. Circular was issued in 1991, while claimant joined services of the Committee on 22-7-1994. Circular was applicable to those canteen boys who worked prior to its issuance and deprecated employment of canteen boys by the bank for casual jobs. Therefore lapse of time places the claimant in different clarification than those canteen boys, who worked prior to 1991. In such a situation it cannot be said that the claimant was discriminated when his services were not regularised by the bank.

18. Even otherwise regularisation of the services of the claimant cannot be ordered, since it would amount to back door entry in the services of the bank, which is State with the meaning of Article 12 of the Constitution. Law to this effect was laid by the Apex Court in Uma Devi [2006(4) SCC 1]. In view of these facts it is evident that he is not entitled for regularization in the services of the bank. Issue is accordingly answered in favour of the bank.

#### Relief

19. Since there was no relationship of employer and employee between the parties the claimant cannot seek relief of reinstatement in the service of the management bank. No case of discrimination has been brought over the record. His case deserves dismissal. The same is accordingly dismissed. An award is passed. It be sent to the appropriate Government for publication.

Dated : 26-2-2010.

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 16 मार्च, 2010

**का. आ. 938.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, दिल्ली के पंचाट (संदर्भ संख्या (5/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/51/2006-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2010

**S. O. 938.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2007) of the Central Government Industrial Tribunal/Labour Court-I, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 16-3-2010.

[No. L-12012/51/2006-IR(B-I)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, KARKARDOOMA COURT,  
COMPLEX, DELHI**

**Industrial Dispute No. 5/2007**

The General Secretary,  
All India Bank Staff Association (Regd.),  
33-34, Bank Enclave, Ring Road,  
Rajouri Garden, New Delhi - 110027.

... Workman

Versus

The Asstt. General Manager (Region-I),  
State Bank of India, Zonal Office,  
Garh Road, Meerut (UP)  
Meerut (U.P.)

... Management

#### AWARD

Ved Parkash was involved in a criminal case registered by the CBI, vide R.C.No.31(A)/1993, for offences punishable under Section 419, 420, 467, 468 and 471 read with Section 120-B of the Penal Code. He was placed under suspension on 29-4-93. Investigation was concluded by the C.B.I. and a charge sheet was filed before a court of competent jurisdiction. Domestic enquiry proceedings were kept in abeyance by the management, in pursuance of the provisions of para 521 (3) of the Sastry Award. Subsequently, the domestic enquiry proceedings were initiated against the claimant, in view of law handed down by the Apex Court in that regard. Claimant requested the bank authorities to enhance his subsistence allowance, which request was declined. He approached All India Bank Staff Association for redressal of his grievances. A claim statement was filed before the Conciliation Officer. When conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-12012/51/2006-IR(D-I), New Delhi dated 15-1-2007, with the following terms:

“Whether the action of the management of State Bank of India in denying full subsistence allowance w.e.f. 29-9-94 to Ved Parkash, Clerk-

cum-Cashier, State Bank of India, Barout Branch, under suspension w.e.f. 29-4-2003 in violation of clause (3) of para 557 of Sastry Award modified by Bipartite Settlement is legal and justified? If not, to what relief the concerned workman is entitled to and to what extent?”

2. Claim statement was filed on behalf of the workman pleading therein that he was placed under suspension on 29-4-93 on some false allegations. A charge sheet was issued to him on 26th of October, 2004, after a lapse of 12 years from the date of his suspension. Shri H.S.Sethi, Branch Manager, Kavi Nagar branch of the bank was appointed as Enquiry Officer, in January, 2005. It has been claimed that the claimant is entitled for full wages as subsistence allowance in terms of provisions of Bipartite Settlement after expiry of one year from the date of his suspension, since enquiry proceedings were not concluded within one year from the date of his suspension. He made number of representations for release of full subsistence allowance, but to no avail. When management did not listen, he raised an industrial dispute through All India Bank Staff Association vide letter dated 31-3-2005. Management has been harassing and victimizing him, by way payment of 50% of his wages as subsistence allowance. The said action of the management is illegal. A claim has been made that the management may be directed to pay him full wages as subsistence allowance w.e.f. 29-4-94.

3. Claim was demurred by the management pleading that there has been no espousal by a substantial number of co-workers or a trade union of employees, hence the reference is liable to be rejected. It has not been disputed that Ved Parkash was placed under suspension on 29-4-93 and not from 29-4-2003. The appropriate Government has given wrong date of suspensions in order of reference. It is evident that order of reference is not correct and is liable to be rejected on that count. It has been pleaded that Ved Parkash was involved in the criminal case registered by the C.B.I. The said case still pends adjudication against him. He was placed under suspension as per provisions contained in para 521 (2) (A) of the Sastry Award. It has not been disputed that he is being paid 50% of his wages as subsistence allowance. It is also not a matter of dispute that charge sheet was issued to him on 26-10-04. It has been claimed that the enquiry proceedings were kept in abeyance, in accordance with the provisions of para 521(3) of the Sastry Award. When the Apex Court handed down a decision to the effect that departmental enquiry can proceed alongwith the criminal prosecution, charge sheet was served on the workman. His subsistence allowance is being paid in accordance with the provisions of 557 of the Sastry Award read with Bipartite Settlement dated 8-9-1983. The management projects that subsistence allowance was paid to the workman in accordance with the provisions of Sastry Award and Bipartite Settlements.

He is not entitled to full wages as subsistence allowance. His claim is liable to be dismissed.

4. Circular No.ADM : 16800 dated 26th of May, 82 and D: A.K-2/R-3./Staff/FC/105 dated 11th of June, 2007 were tendered by the workman in his evidence. These circulars were not disputed on behalf of the management. Hence the same were exhibited as EX.W1 and Ex. W2 respectively. Shri J. N. Kapur, authorised representative of the workman projected that no other evidence was to be adduced in the matter. He closed evidence of the workman. Shri Praveen Sharma, authorised representative of the management also opted not to adduce any evidence in the matter.

5. Arguments were heard at the bar. Shri J. N. Kapur, authorised representative, advanced arguments on behalf of the workman. Shri Praveen Sharma, authorised representative, raised his submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :

6. First and foremost contention advanced by the management is that reference order is incompetent. Shri Sharma argued that in the reference order it is mentioned that Ved Parkash was placed under suspension w.e.f. 29-4-2003. He argued that Ved Parkash was suspended w.e.f. 29-4-93 and mentioning of incorrect date of his suspension in the terms of reference makes it incompetent. His contention has been that this Tribunal cannot go beyond the scope of reference and when incorrect date of suspension has been detailed in the order of reference, this Tribunal is duty bound to reject the reference. Contra to it Shri J. N. Kapur argued that the terms of reference projects that full subsistence allowance has been denied to the workman w.e.f. 29-4-93. He concedes that inadvertently date of suspension of workman has been detailed as 29-4-2003, in the terms of reference. However, he highlights that in the claim statement as well as written statement filed by the management, it is not a matter of dispute that the workman was suspended on 29-4-93. He agitates that these facts make it clear that out of pleadings of the parties, the real dispute has emerged over the record. He argued that contention advanced by the management are untenable on that count.

7. For referring an industrial dispute to adjudication, the appropriate Government should satisfy itself, on the facts and circumstances brought to its notice, in its subjective opinion that an industrial dispute exists or is apprehended. The factual existence of a dispute or its apprehension and expediency of making a reference are matters entirely for the Government to decide. An order making a reference is an administrative act and the fact that the Government has to form an opinion as to the factual existence of an industrial dispute as a preliminary

step to the discharge of its function does not take it out of administrative function of the Government. The adequacy or sufficiency of material on which opinion was formed is beyond the pale of judicial scrutiny.

8. The scope of a reference is a matter of considerable importance. Although it is open to an industrial adjudicator to devise his own procedure, but he has to confine his adjudication to the points of dispute specified in the order of reference and to matters incidental thereto. Before embarking on adjudication, therefore, the adjudicator has to determine the scope of the order of reference. Hence, the question of the scope and construction of the order of reference becomes relevant. The construction of the order of reference will, in all probability, be easy or difficult, according as the document has been skillfully or carelessly drawn. In *India Paper Pulp Company Limited* (1949 (1) I.L.J. 258) the Federal Court was concerned with a proposition as to whether the order of reference can be construed by an adjudicator. Chief Justice Kania, speaking for the Court, said that not infrequently, the orders of reference are "far from satisfactory and are not carefully drafted". It is, therefore, desirable that the appropriate Government should frame such orders carefully and the question which are intended to be tried by the adjudicator should be so worded as to leave no scope for ambiguity or controversy. Same proposition of law was laid by Apex Court in *Delhi Cloth and General Mills Limited* (1967 (1) LLJ 423). Inaccuracy of language employed in the order of reference, however, does not always make any difference to the jurisdiction of the Tribunal to proceed, with the reference and adjudicate upon it, as the Tribunal can interpret and find out the real meaning of the order of reference, as it stands. A duty is cast upon the Tribunal to make an attempt to construe order of reference to find out as to what was the real dispute which was referred to it and to decide it and not to throw it out on a mere technicality. Law to this effect was laid by the Apex court in *Express Newspaper Limited* [1962 (II) LLJ 227]. Reference can also be made to the precedent in *Management of Barpukhuri Tea Estate* [1978 (I) LLJ 558] and *Minimax Limited* [1968 (I) LLJ 369].

9. When phraseology of order of reference is inelegant, the Tribunal should look to the substance rather than to the form of the order of reference. In construing terms of the order of reference and determining the scope and nature of the points referred, the Tribunal has to look into the order of reference itself. Therefore, it is clear that where the order of reference is vague or cryptic, the tribunal may cull out the real question by construing its phraseology. In *C. P. Sarathy* [1953(I)LLJ 174] the Apex Court ruled that when order of reference is not clear the Tribunal may crystalise the terms of reference from the statements of the respective cases of the parties. In *Delhi Cloth and General Mills Limited* (supra) the Apex Court candidly laid that "the Tribunal must, in any event, look to the pleadings of the parties to find the exact nature of

the dispute, because in most cases the order of reference is so cryptic that it is impossible to cull out there from the various points about which the parties were at variance, leading to the trouble". From above proposition of law laid it is evident that the Tribunal is competent to construe the terms of reference, when it is vaguely worded and can ascertain the real dispute between the parties even from its pleadings.

10. In the claim statement it has been projected that the workman was placed under suspension on 29-4-93. The management does not dispute that fact in its written statement. A claim was put forward by the workman that he is being paid 50% of his wages as subsistence allowance, which is violative of the provisions of Sastry Award and Bipartite Settlement. He projects that after expiry of one year from the date of his suspension he is entitled to payment of his full wages as subsistence allowance. On these aspects the management highlights that subsistence allowance is being paid to him in pursuance of para 557 of Sastry Award read with Bipartite Settlement dated 8-9-83. The management agitates that he is not entitled to full wages as a subsistence allowance after expiry of one year from the date of his suspension. Therefore, out of the pleadings, put forward by the parties, it is evident that the dispute between them relates to denial of full wages as subsistence allowance w.e.f. 29-4-94, one year after the date of his suspension. In the first limb of the reference order this dispute has been highlighted. However, in the subsequent sections of the reference order date of suspension has been mentioned as 29-4-2003. It is evident that on account of typographical error a wrong date of suspension has been mentioned, while the term of award makes it clear that full subsistence allowance has been claimed by the workman w.e.f. 29-4-94. Therefore, it is evident that the terms of reference makes it impliedly clear that the claimant was placed under suspension on 29-4-93 and a wrong date was mentioned in it inadvertently. Consequently terms of reference has been construed and date of suspension of the claimant is taken as 29-4-93 instead of 29-4-2003. Submissions raised by the management are brushed aside in that regard.

11. Next prong of attack was made by the management pleading that the claim was not espoused by substantial number of workmen or a trade union of the employees of the establishment of the management. On that counts Shri Kapur argued that All India Bank Staff Association has raised the dispute before the Conciliation Officer. He contends that the said Association is a trade union of the employees off the establishment of the management. According to him Ved Prakash was the member of All India Bank Staff Association since October, 2001. He argued that the Association had espoused the claim and it does not lie in the mouth of the management to say that it is an individual dispute and not an industrial dispute.

12. Provisions of Section 10 of the industrial Disputes Act, 1947 (in short the Act) make it clear that the appropriate Government may refer an existing or apprehended dispute to the Industrial Tribunal for adjudication. Industrial dispute has been defined by clause (k) of Section 2 of the Act, Definition given in the said sub-section encompasses within its sweep any dispute or difference between the employer and employers, or between employer and workmen or between workmen and workmen, which is connected with the employment or non employment or terms of employment or with the conditions of labour of any person. The Act is a legislation relating to what is known as "collective bargaining" in the economic field. This policy of the legislature is also implicit in the definition of the industrial dispute.

13. The Apex Court in Bombay Union of Journalist (1961 (II) LLJ 436) has observed that in each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute, the test is whether at the date of reference, the dispute was taken up as submitted by the union of the workmen of the employer against whom, the dispute is raised by an individual workman or by an appreciable number of workmen. In order, therefore, to convert an individual dispute into an industrial dispute, it has to be established that it has been taken up by the union of employees of the establishment or by an appreciable number of the employees of the establishment. As far as union of the workmen of establishment itself is concerned, the problem of espousal by them generally presents little difficulty, since such workmen who are members of such unions generally have a continuity of interest with an individual employee who is one of their fellow workman. But difficulty arise when the cause of a workman, in a particular establishment is sponsored by a union which is not of the workmen of that establishment but is one of which membership is open to workmen of their establishment as well as in that industry. In such a case a union, which has only microscopic number of the workmen as its member, cannot sponsor any dispute arising between the workmen and the management, representative character of the union has to be gathered from the strength of the actual number of co workers sponsoring the dispute. The mere fact that a substantial number of workmen of the establishment in which the concerned workman was employee were also members of the union would not constitute sponsorship. It must be shown that they were connected together and arrived at an understanding by a resolution or by other means and collectively submitted the dispute.

14. The expression "Industrial disputes" has been construed by the Apex Court to include individual disputes, because of the scheme of the Act. In Raghu Nath Gopal Patvardhan (1957(1) LLJ 27) the Apex Court ruled as to what dispute can be called as an industrial dispute. It was laid thereon that (1) a dispute between the



employer and a single workman cannot be an industrial dispute, (2) it can not be per-se be an industrial dispute but may become if it is taken up by a trade union or a number of workmen. In *Dharampal Prem Chand* (1965 (1) LLJ 668) it was commanded by the Apex Court that a dispute raised by a single workman cannot become an industrial dispute unless it is supported either by his union or in the absence of a union by substantial number of workmen. Same law was laid in the case of *Indian Express Newspaper (Pvt.) Limited* (1970 (1) LLJ 132). However in *Western India Match Company* (1970 (II) LLJ 256), the Apex Court referred the precedent in *Drona Kuchi Tea Estate's case* (1958 (1) LLJ 500) and ruled that a dispute relating to "any person becomes a dispute where the person in respect of whom it is raised is one in whose employment, non employment, terms of employment or conditions of labour, the parties, dispute for a direct or substantial interest".

15. What a substantial or considerable number of workmen would be in a given case, depend on particular facts of the case. The fact that an "industrial dispute", is supported by other workmen will have to be established" either in the form of a resolution of the union of which workman may be member or of the workmen themselves who support the dispute or in any other manner. From the mere fact that a general union, at whose instance an "industrial dispute" concerning an individual workman is referred for adjudication, has on its roll a few of the workmen of the establishment as its members, it cannot be inferred that the individual dispute has been converted into an "industrial dispute". The Tribunal has therefore, to consider the question as to how many of the fellow workman actually espoused the cause of the concerned workman by participating in the particular resolution of the Union. In the absence of a such a determination by the Tribunal, it cannot be said that the individual dispute acquired the character of an industrial dispute and the Tribunal will not acquire jurisdiction to adjudicate upon the dispute. Nevertheless, in order to make a dispute an industrial dispute, it is not necessary that there should always be a resolution of substantial or appreciable number of workmen. What is necessary is that there should be some express or collective will of a substantial or an appreciable member of the workmen treating the cause of the individual workman as their own cause. Law to this effect was laid in *P. Somasundaram* (1970 (1) LLJ 558).

16. It is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that a body of substantial number of workmen either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In *Pardeep Lamp Works* (1970 (1) LLJ 507) complaints relating to dispute of ten workmen were filed before the conciliation officer by the individual workmen themselves. But their case was subsequently

taken up by a new union formed by a large number of co-workmen, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute the cases of ten dismissed workmen. Thus cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute".

17. It is not expedient that same union should remain incharge of that dispute till its adjudication. The dispute may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of Section 36 of the Act by a number of executive or office bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade union ceases to be registered trade union during the continuance of the adjudication proceedings that would not affect the maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in *Gammon India Limited* (1974 (II) LLJ 34). For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in *Western India Match Co. Ltd.* (1970 (II) LLJ 256).

18. Here in the case a dispute was referred by All India Bank Staff Association. As emerge out of the rejoinder filed by the said association before the Conciliation Officer, Ved Parkash was member of the said association since October, 2001. It has not been projected by the Association that majority of employees of State Bank of India, Delhi Zone are its members. No evidence worth name was brought over the record that majority of the employees or considerable number of the employees of the management espoused the dispute under reference. No evidence has been brought to the light that the dispute of Ved Parkash was supported by appreciable number of employees of the State Bank of India. A microscopic number of the employees of the State Bank of India can not espouse the claim of Shri Ved Parkash. The management could dispel the claim of the Association to the effect that it was competent to espouse cause of Shri

Ved Prakash. Consequently submissions advanced by the management are to be accepted on that count. Cause of Ved Prakash was not espoused properly and it had not acquired the character of an industrial dispute.

19. Bed-rock of the case of the claimant is based on paragraph 557 of the Sastry Award. Therefore, it is expedient to consider the contents of the said paragraph. For sake of convenience contents of para 557 of Sastry Award are reproduced hereinunder as follows :

“557. Having considered the matter in all its aspects we think that subsistence allowance should be granted on the following scale :—

“(i) For the first three months one-third of the pay and allowances which the workman would have got but for the suspension :

(2) thereafter where the enquiry is departmental by the bank, one-half of the pay and allowance for the succeeding months. Where the enquiry is by outside agency, one-third of the pay and allowances for the next three months and thereafter one-half for the succeeding months until the enquiry is over”.

20. The aforesaid provisions of Sastry Awards were modified by Bipartite Settlement dated 8-9-83. The provisions of the Bipartite Settlement are reproduced hereinunder :

“In partial modification of para 557 of the Sastry Award and paragraph 17.14 of the Desai Award, the following provisions shall apply in regard to payment of subsistence allowance to workman under suspension in respect of the banks listed in schedule I :

(a) where the investigation is not entrusted to or taken up by an outside agency (i.e. Police/C.B.I.), subsistence allowance will be payable at the following rates:

(i) For the first 3 months 1/3 of the pay and allowances which the workman would have got but for the suspension.

(ii) Thereafter 1/2 of the pay & allowances.

(iii) After one year, full pay and allowances if the enquiry is not delayed for reasons attributable to the concerned workman or any of his representatives. Where investigation is done by an outside agency and the said agency has come to the conclusion not to prosecute the employee, full pay and allowances will be payable after 6 months from the date of the receipt of the report of such agency, or one year after suspension, whichever is latter and in the event the enquiry is not delayed for the reasons attributable to the workman or any of his representative”.

21. As projected by the parties a criminal case was registered against the workman by the C.B.I. C.B.I. took

up the investigation and filed a charge sheet against him before a court of competent jurisdiction. Trial of the said criminal case is under process. Therefore, it is not the case where the C.B.I. came to the conclusion that the claimant was not to be prosecuted for his acts of omission or commission. He is being prosecuted for offences punishable under Section 419, 420, 467, 468, 471 read with 120 B of the Penal Code. Contents of clause (a)(iii) of the Bipartite Settlement contains two limbs. In first limb a suspended employee is to be paid full pay and allowances as subsistence allowance, after one year of his suspension if the enquiry is not delayed for reasons attributable to him or any of his representative. First limb deals with the enquiries which are being conducted by the banks. As is evident case of the workman does not fall in the first limb of the aforesaid clause.

22. Second limb of the said clause projects that in case investigation is done by the outside agency and the said agency came to a conclusion not to prosecute the employee then he shall get full pay and allowances after six months from the date of receipt of the report of such agency or after one year of his suspension, whichever is later and in the event that the enquiry was not detailed for reasons attributable to him or any of his representatives. Second limb creates a right in favour of the suspended employee to get full pay and allowances as subsistence allowance in the following three contingencies :

(i) Outside agency gave a report not to prosecute, him.

(ii) A period of six months has expired after receipt by the outside agency, or a period of one year has expired from the date of his suspension, which ever is later, and

(iii) Delay in the enquiry by the outside agency is not attributable to him or any of his representative.

23. As detailed above, the C.B.I. investigated and filed a charge sheet against the claimant. Therefore, case of the claimant does not fall either in second limb or first limb of the clause (a)(iii). His case falls within clause (a)(ii) of the aforesaid Bipartite Settlement wherein it has been provided that after three months of his suspension he will get 50% of his pay and allowances as subsistence allowance. Consequently it is evident that the claimant is not entitled for his full wages and allowances as subsistence allowance.

24. Claimant laid emphasis on circular Ex.W1 and letter Ex. W2. Ex.W1 projects that period of suspension of an employee should be kept to the barest minimum. It lays down guidelines for the authorities to take steps to revoke suspension orders. An emphasis is laid on the authorities to have necessary consultation with C.B.I. C.I.D./Police or appropriate agencies for revoking suspension order

and to allow a suspended employee to resume his duties. Guidelines laid therein are reproduced as under :

“(i) The disciplinary authority should decide about reinstatement of an official on its own where the decision to suspend was taken by the authority itself.

(ii) Where the suspension was resorted to in consultation with, or it was brought to the notice of the Central Office at any time, detailed recommendations for reinstatement should be submitted to.

4. In order to ensure that the above instructions are scrupulously observed, all cases of suspension may please be reviewed regularly, at intervals of 6 months, particularly those where officials are under suspension for more than six months, and wherever it is found that the official may be allowed to resume duties by transferring him from his post to another post and where necessary in consultation with CBI/CID/police or other appropriate agencies, orders should be issued for revoking the suspension and allowing the official to resume duties with further direction as may be considered desirable in each individual case after obtaining administrative clearance from this Office. The review should not, however, be done in a haphazard way and it must be borne in mind that revocation of suspension does not prejudice the criminal or Departmental proceedings.

5. The above instructions will apply mutatis-mutandis in respect of disciplinary cases/suspensions involving the staff members covered by the Industrial Disputes Act, care being taken to ensure that no provisions of the Award(s), laws applicable in their case are violated.

6. In their case the report wherever required should be made by the Disciplinary Authority to the next higher authority. The authority receiving information/report about the continued suspension of the staff member from the subordinate authority should carefully examine each case and see whether the continued suspension in that case is absolutely necessary or the suspension can be revoked by transferring the staff member to another office.”

25. The claimant has also placed reliance on order Ex. W-2 on the strength of which suspension of Balvinder Singh Walia was revoked and he was allowed to resume his duties subject to the conditions detailed therein. Thrust of contention advanced on behalf of the workman has been that his suspension should be revoked and he should be allowed to resume duties pending trial of the criminal case. In view of the guidelines laid in Ex.W-1 and order passed in the case of Balvinder Singh Walia which are Ex.W2 it is emphasized on the management to scrupulously follow the guidelines laid in Ex.W-1 and to review suspension order of the claimant, after consultation with the C.B.I.

26. In view of the aforesaid discussion it is concluded that the reference is not complaint and the claimant is not entitled to full pay and allowances as subsistence allowance on being under suspension. Action of the management in denying full subsistence allowance to the claimant is legal and justified. The claimant is not entitled to any relief in that regard. However, management is duty bound to follow guidelines contained in Ex.W-1 scrupulously. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dated : 26-2-2010

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 16 मार्च, 2010

का. आ. 939.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. सी. रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1 दिल्ली के पंचाट (संदर्भ संख्या (27/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2010 को प्राप्त हुआ था।

[सं. एल-41012/118/2005-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2010

S. O. 939.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/2006) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi as shown in the Annexure in the Industrial Dispute between the management of N. C. Railway and their workmen, received by the Central Government on 16-3-2010.

[No. L-41012/118/2005-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 KARKARDOOMA COURTS,  
COMPLEX, DELHI

Industrial Dispute No. 27/2006

Shri Ram Abhilash Singh S/o Batuni,  
Village Selraha Paschim,  
Distt. Kaushambi (U.P.)  
Kaushambi (U.P.).

... Workman

Versus

The Chief Medical Officer,  
N. C. Railway, Allahabad,  
Allahabad.

... Management

**AWARD**

Ram Abhilash Singh worked as summer waterman at Railway Hospital, Fatehpur, North Central Railway, Allahabad. His services were not continued after 15-8-87. He made a representation to Divisional Railway Manager, North Central Railway, Allahabad for reappointment and regularization of his services. When no response was received, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-41012/118/2005-IR(B-I), New Delhi dated 1-8-2006, with the following terms :—

“Whether the action of the Divisional Railway Manager, North Central Railway, Allahabad in denying temporary status w.e.f. 15-8-87 to Shri Ram Abhilash S/o Batuni, Hot Weather Waterman employed at Fatehpur under Medical Officer, Allahabad but terminating him from the service w.e.f. 16-8-1987 is justified? If not to what relief the concerned applicant is entitled to and from what date?”

2. Claim statement was filed by the workman pleading therein that he worked as casual summer waterman under North Central Railway, Allahabad from 24-4-84 to 15-9-89 and his name figures at Sl. No.24 of the list of casual employees. He served from 24-4-84 to 15-8-84, 20-4-85 to 15-8-85, 17-4-86 to 15-8-86 and 28-4-87 to 15-8-87. According to him, he worked for 430 days with the management during the period referred above. He worked in Khumb Mela (Vindhyanchal) also from 10-1-89 to 15-2-89. His services were dispensed with on 16-8-87. He presents that letter dated 11-12-96 was issued by the Ministry of Labour for regularization of all casual labours, who worked in railways for a number of years. According to him, he is entitled for reinstatement and regularisation of his services.

3. Contest was given to his claim by the management pleading that Ram Abhilash was engaged during summer seasons for supply of water. He worked for different spells but never worked continuously for 120 days for grants of a temporary status. His services were purely of casual in nature. Circular dated 11-12-96 is not applicable to him, since he was not in service on that date. His claim is liable to be dismissed.

4. During adjudication process, the workman opted to abandon the proceedings. None appeared on his behalf on 17-9-2009. The Tribunal proceeded with the matter under rule 22 of Industrial Disputes (Central) Rules 1957. Shri Jatta Shankar Tiwari tendered his affidavit as evidence on behalf of the management.

5. Arguments were heard at the bar. Shri Neeraj Kumar, authorised representative, advanced arguments on behalf of the management. None was there to raise

submissions on behalf of the workman. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :—

6. As emerge out of the claim statement filed by Shri Ram Abhilash, he worked at Railway Hospital, Fatehpur, North Central Railway, Allahabad as casual summer waterman. He served from 24-4-84 to 15-8-84, 25-4-85 to 15-8-85, 17-4-86 to 15-8-86 and 28-4-87 to 15-8-87. Therefore, it is evident that he worked for 114 days in the year 1984, for 105 days in the year 1985, for 106 days in 1986 and for 105 days in 1987. He worked for 27 days during Khumb Mela (Vidhyanchal). Therefore, it is crystal clear that at no point of time he rendered 120 days service in a calander year.

7. A “seasonal workman” is engaged in a job which lasts during a particular season only, while a temporary workman may be engaged either for a work of temporary or casual nature or temporarily for work of a permanent nature, but a permanent workman is one who is engaged in a work of permanent nature only. The distinction between permanent workman engaged on a work of permanent nature and a temporary workman engaged on a work of permanent nature is, in fact, that a temporary workman is engaged to fill in a temporary need of extra hands of permanent jobs. Thus when a workman is engaged on a work of permanent nature which lasts throughout the year, it is expected that he would continue there permanently unless he is engaged to fill in a temporary need. In other words a workman is entitled to expect permanency of his service. Law to this effect was laid by the Apex Court in Jaswant Sugar Mills [1961 (1) LLJ 649].

8. It has not been shown by the workman that he was appointed against a permanent vacancy or against a work of permanent nature. Consequently it is evident that the workman was appointed against a work of casual nature only. A casual or temporary workman would not acquire permanency of tenure merely because he is employed in a permanent department or given some benefit ordinarily enjoyed by the permanent workman. Such proposition was laid in Rohtas Industries Limited V s. Brijnandan Pandey [1956 (2) LLJ 444].

9. Some casual workmen employed in a Canteen, raised demand of permanency in service. The Tribunal directed that from particular date, they should be treated as probationer and appointed in permanent vacancy without going into the question as to whether more than permanent workmen were necessary to be appointed in the canteen, over and above the existing permanent strength to justify the making of the casual workman as permanent, where they were working. Neither there was any permanent vacancy in existence nor the Tribunal directed for creation of new posts. When the matter reached

the Apex Court, it was announced that the Tribunal was not justified in making these directions. The workman may be made permanent only against permanent vacancies and not otherwise, announced the Apex Court in *Hindustan Aeronautics Limited Vs. their workmen* (1975 (II) LLJ 336).

10. In *Uma Devi* [2006(4) SCC 1] the Apex Court considered the proposition as to whether the persons who got employment, without following of a regular procedure or even from the back door or on daily wages can be ordered to be made permanent in their posts, to prevent regular recruitment to the posts concerned. Catena of decisions over the subject were considered and the court declined the submissions of the workmen to be made permanent on the posts, which were held by them in temporary or adhoc capacity for a fairly long spell. The Court ruled thus :

“With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our view, is bound to insist on the State making regular and proper recruitments, and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent the distinction between regularization and making permanent, was not emphasized here—can only encourage the State, the modal employer, to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect the directions made in *Piara Singh* [1992(4) SCC 118] is to some extent inconsistent with the conclusion in para 45 of the said judgement therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad-hoc, temporary or casual employees engaged without following a regular recruitment procedure should be made permanent.”

11. Taking note of some of recent decisions, the Apex Court held that the State does not enjoy a power to make appointments in terms of article 162 of the Constitution. The Court quoted its decision in *Girish Jyanti Lal Vaghela* [2006 (2) SCC 482] with approval, wherein it was ruled thus.

“The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of a selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to the post under the State or Union cannot be made without issuing advertisement in the

prescribed manner which may in some cases include inviting applications from the employment exchange, where eligible candidate get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under article 16 of the Constitution”.

12. In *P. Chandra Shekhara Rao and Others* [2006 (7) SCC 488] the Apex Court referred *Uma Devi's Case* (Supra) with approval. It also relied its decision in a *Uma Rani* [2004 (7) SCC 112] and ruled that no regularization is permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In *Somveer Singh* [2006 (5) SCC 493] the Apex Court ruled that appointment made without following due procedure cannot be regularized.

13. In view of the facts detailed above, *Shri Ram Ahilash Singh*, a casual employee, who was engaged in violation of the rules, cannot expect his reinstatement in the services. Under these circumstances it is clear that no evidence was brought over the record to direct the management for his reinstatement in service. Since he had never rendered continuous service of 120 days in a calendar year, temporary status was not accorded to him. Action of the management cannot be faulted on that count. *Shri Ram Ahilash* is not entitled to any relief.

14. The claimant was engaged for seasonal job for specific period. When his term of employment came to an end, his services were disengaged. He was never engaged against a work of permanent in nature and that too in consonance with recruitment rules. He cannot claim reinstatement in service of the management. His claim statement is devoid of merits. The same is, therefore, dismissed. An award is accordingly passed.

DATED: 26-2-2010

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 16 मार्च, 2010

का. आ. 940.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या (1/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2010 को प्राप्त हुआ था।

[सं. एल-12025/1/2010-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 16th March, 2010

S. O. 940.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 1/2005) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 16-3-2010.

[No. L-12025/1/2010-IR(B-II)]

U. S. PANDEY, Desk Officer

**ANNEXURE  
BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 27th day of January, 2010

Industrial Dispute L.C. No. 1/2005

**BETWEEN**

Shri Kasaram Venkateswara Goud,  
S/o Sriramulu,  
R/o 17-1-391/S/423, Singareni,  
Colony, Saidabad,  
Hyderabad.

...Petitioner

AND

1. The Zonal Manager,  
Syndicate Bank, Somajiguda,  
Hyderabad.

2. The General Manager,  
Syndicate Bank,

Head Office, Manipal, Karnataka.

...Respondents

**APPEARANCES**

For the Petitioner : M/s. B. G. Ravindra Reddy &  
B. V. Chandra Sekhar, Advocates

For the Respondent : M/s. Alluri Krishnam Raju,  
G. V. N. Babu, N.P. Rao, A. B. S.  
Reddy, N. V. Kumar, T. L. Narayana  
& R. J. Prakash, Advocates.

**AWARD**

This petition has been filed by Sri K. Venkateswara Goud for his reinstatement with full back wages under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 1/2005 and notices were issued to the parties.

2. The case was contested by the Respondent management. However, on 27th January, 2010 both parties called present and Petitioner Sri K. Venkateswara Goud filed memo stating therein that the Bank has agreed to appoint him as attender and he does not want to press this petition and want to withdraw his claim.

3. In light of this memo dated 27-1-2010, the petition is dismissed as withdrawn and hence, the award. No order has been passed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 27th day of January, 2010.

VED PRAKASH GAUR, Presiding Officer

**Appendix of evidence**

Witnesses examined for  
the Petitioner

Witnesses examined for  
the Respondent

WW1: Sri K. Venkateshwara  
Goud

MW1: Sri S. Subba Rao

**Documents marked for the Petitioner**

Ex. W1 : Copy of appointment letter dt. 13-2-1982

Ex. W2 : Copy of office lr. dt. 2-12-1987 from Branch  
manager, Pathhergatti Branch

Ex. W3 : Copy of service certificate issued by the Res-  
pondent bank dt. 9-4-91

Ex. W4 : Copy of service certificate issued by the Res-  
pondent bank dt. 15-12-97

Ex. W5 : Copy of lr. dt. 21-4-82 issued by Respondent

Ex. W6 : Copy of seniority list of temporary attendars in  
Respondent bank

Ex. W7 : Copy of district-wise panel of candidates atta-  
ched to Hyderabad city division

Ex. W8 : Copy of lr. dt. 17-1-2001 of regional office  
(CITY), Hyderabad

Ex. W9 : Copy of telegram dt. 20-4-1995

Ex. W10 : Copies of Service certificates issued by the  
to W34 Respondent bank WW1

Ex. W35 : Copy of officer lr. dt. 31-1-1998 by Respondent  
bank

Ex. W36 : Copy of particulars of temporary employees of  
Respondent bank

Ex. W37 : Copies of Service certificates issued by the  
to W90 Respondent bank to WW1

Ex. W91 : Copy of letter disclosing the currency chest of  
Respondent bank

Ex. W92 : Copies of Service certificates issued by the  
to 102 Respondent bank WW1

Ex. W103: Copy of the cheque dated 29-6-2002

Ex. W104: Copies of Service certificates issued by the  
to W107 Respondent bank WW1

Ex. W108: Copy of index disclosing the details of service  
of the Petitioner in Respondent bank

**Documents marked for the Respondent**

NIL

नई दिल्ली, 17 मार्च, 2010

का.आ. 941.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एल.सी. संख्या 74/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2010 को प्राप्त हुआ था।

[सं. एल-22012/1/2010-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th March, 2010

S.O. 941.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad (L.C.I.D. No. 74/2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Singareni Collieries Company Ltd. and their workmen, which was received by the Central Government on 17-03-2010.

[No. L-22012/1/2010-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present :— Shri Ved Prakash Gaur, Presiding Officer

Dated the 28th day of January, 2010

Industrial Dispute L. C. No. 74/2007

#### BETWEEN

Sri Jaleel Khan,

S/o Ghafzar Khan

Flood Colony,

Naspoor CCC Post CCC Naspur,

District. Adilabad.

....Petitioner

#### AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Indaramkhani Chennur.  
Post Chengpur. Dist. Adilabad.

2. The Managing Director,  
M/s. Singareni Collieries Company Ltd.,  
Kothagudem Post,  
Khammam District

... Respondents

#### APPEARANCES

For the Petitioner : Sri S. Bhagawanth Rao,  
Advocate

For the Respondent : M/s. P. A. V. V. S. Sarma &  
Vijaya Laxmi Panguluri,  
Advocates.

#### AWARD

The Petitioner has filed this petition under Sec. 2 A (2) of the I.D. Act, 1947 in light of the judgement of the Hon'ble Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri.U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. It has been stated by the Petitioner that he was appointed on 4-2-88 and he discharged his duties to the full satisfaction of Respondent till the date of his removal in the year 2006. He has further stated that his services are governed by company's standing orders and he has put in 18 years of qualified service. The Respondent issued a charge sheet in the year 2004 for absenteeism under 25.25 of the standing orders of the company and dismissed the Petitioner from the services. The Petitioner was charged with the following allegations, that the Petitioner has put 154 musters in 2002 year and 118 musters in the year 2003 and 65 musters in the year 2005 and 41 musters upto 31-5-2005.

3. He has further contended that his wife died in the year 2004 and his three children have become orphans due to which he could not attend to his job properly in the year 2004. There was no elderly member in his family to take care of his children, the Petitioner submitted medical certificates before the competent authority but not considered by them. He has further contended that due to death of his wife the health of the Petitioner started deteriorating day by day and he became ill and he took treatment in Sai Orthopadic Hospital. He also sustained an accident in course of employment and have taken treatment in Colliery Hospital from 12-2-2005 to 12-1-2006. Thus, there was no fault in attending duty by the Petitioner. The Petitioner has contended that he is illiterate man and he knows only to sign "Zallel Khan" in English. He was not given any opportunity to cross-examine management witness. His signature was obtained on English typed paper without explaining the contents. So he claimed to look into the validity of the domestic enquiry as well. He has further alleged that the removal of the Petitioner from the services is against law and facts and is highly arbitrary, illegal and violative of the principles of natural justice. The punishment of the dismissal from service is the last punishment under the standing order of the company, but Respondent has taken extreme steps of dismissal of the Petitioner from the services. The Respondent has issued final letter dated 30-3-2007. Hence cause of action arose from that day. The Petitioner has got no job despite his best efforts and Petitioner as well as his children are suffering due to unemployment of the Petitioner. The Petitioner has prayed that the dismissal order be set aside and he be reinstated in the services of the Respondent with all service benefits with full back wages.

4. Respondent has filed counter statement and has contended that the Respondent company is a Central Government undertaking and it operates the mines. The proper procedure to entertain an industrial dispute is after failure of conciliation proceedings which has not been done in this case. The Respondent has contended that the Petitioner of the instant case does not deserve any sympathy on account of his unauthorized absenteeism because he did not choose to offer explanation to the charge sheet issued to him. During the course of enquiry, the Enquiry Officer explained the entire proceeding in Telugu, the language which is understood by the Petitioner. Further the Petitioner has to cross-examine the management witness during the course of enquiry. It is note worthy that the Petitioner remained unauthorisedly absent during the year 2003 and have put in only 180 days musters. The Petitioner did not choose to perform his job and in the year 2004 he attended only 65 days musters. He did not improve himself ever after issue of the charge sheet and in the year 2005 till 31-8-2005 he has attended only 83 days musters. This proves that the Petitioner has no intention to work. He has admitted his misconduct and his conduct shows that he do not want to reform himself, thus, no option was left with the Respondent except to dismiss the Petitioner from the services. It has further been contended by Respondent that on account of unauthorised absenteeism the Petitioner was issued charge sheet dated 10-6-2005 as he has worked for 65 days only during the year 2004 which amount to misconduct under company's standing order No. 25. 25. After receipt of the charge sheet Petitioner did not submit any explanation for his inability to perform the duties, as such an enquiry was conducted by giving full and fair opportunity to Petitioner and after detailed enquiry, Enquiry Officer held that the charges were proved against the Petitioner. During the course of enquiry Petitioner deposed that his wife expired in the year 2004 due to which he could not attend to his duties properly. But this problem was never brought to the notice of the management during the period of absenteeism. The contention of Petitioner that he met with the accident and remained hospitalized for a period w.e.f. 12-2-2005 to 12-1-2006 has not been proved by the Petitioner nor it was brought to the notice of the competent authority. Petitioner was afforded proper opportunity to cross-examine the management witness but he has refused to cross examine the witnesses. A show cause notice was issued to the Petitioner on the basis of the finding of the Enquiry Officer calling upon the Petitioner to submit his representation but the Petitioner did not submit any reply even after receipt of the notice as such, his services were terminated in the light of clause 25.25 of the standing orders and in the light of the case law reported in 1996(1) SCC page 302 in the matter of State of U.P. and others Vs. Ashok Kumar Singh and another and the Hon'ble Supreme Court's latest judgment in (Ashappa's case). The petition has got no force and deserves to be dismissed.

5. So far as the question of legality and validity of the departmental enquiry is concerned, the Learned Counsel for the Petitioner moved a memo dated 7-7-2009 conceding the legality and validity of the domestic enquiry, as such, the domestic enquiry was held to be legal and valid.

6. I have heard Learned Counsel for the Petitioner as well as that of the Respondent and I have gone through the documentary evidence produced by Petitioner as well as that of the Respondent management. Petitioner has filed his application dated 30-3-2007 for reconsideration of dismissal order. He has also filed dismissal order dated 29-3-2006 through which he informed that he has been dismissed from the services w.e.f. 1-4-2006. He has filed discharge card of Singareni Colliery Hospital dated 12-1-2006 wherein the date of admission and date of discharge has been over-written. Notice dated 17-8-2005 calling him to submit his representation if any against the finding of Enquiry Officer. He has also filed extract of enquiry proceeding and enquiry report, prescription of Sai Orthopaedic Hospital dated 19-10-2005 and 10-12-2005, copy of the certificate from Singareni Collieries Medical Department showing his date of unfit 4-2-2005 and date of fitness 10-3-2005. Attendance certificate dated 17-2-2004 issued by superintendent of Mines showing that he has attended his duty in the year 2001 for 222 musters, in the year 2002 for 154 musters and in the year 2003 118 musters. Xerox copy of the certificate of the Area Hospital, Ramakrishnapur showing that Zallel Khan has suffered with later Malleolus Rt. Fracture. This injury is classified as serious. He has also filed xerox copy of death certificate of his wife Rukshana which shows that death of his wife occurred on 12-9-2002. Xerox copy of certificate dated 2-11-2005, xerox copy of the accident report dated 11-10-2005 showing that Zallel Khan, Coal filler met with accident on 11-10-2005. He has also filed xerox copy of SSC Marksheet of his daughter, xerox copy of confidential letter of M/s. Singareni Collieries Company Ltd. dated 21-1-2006 issued by Additional C.M.O. to the Colliery Manager, informing him that Zallel Khan is a case of accident while on duty on 11-10-2005 and he was treated at Area Hospital, Ramakrishnapur. He is advised to go down the mine to work spot and come up for a period of 10 days. Xerox copy of out-patient ticket dated 10-12-2005, office order dated 1-1-1990 for empanelment of his name as badli coal filler. Photo copy of death certificate of his wife Rukshana and serious accident reports.

7. Respondent management has filed charge sheet dated 10-6-2005, enquiry notice dated 13-6-2005, enquiry proceeding running in five pages, enquiry report running in four pages notice dated 17-8-2005 and dismissal order dated 29-3-2006 intimating the Petitioner that his services were hereby dismissed w.e.f. 1-4-2006. Proceeding and action taken thereon show that he was dismissed from



the services. The enquiry report and enquiry proceeding document show that the Petitioner has not submitted any document during the course of the enquiry. Learned Counsel for the Petitioner has argued before this court that the Petitioner was not given opportunity to cross examine the witnesses of the management nor the contention raised by the Petitioner was considered by Enquiry Officer. The Petitioner has informed the Enquiry Officer that his wife expired in the year 2004 and due to the death of his wife he could not attend to his duties because he had three young children and there was none to look after the children of the Petitioner.

8. As against this contention of the Learned Counsel for the Petitioner the Learned Counsel for the Respondent has replied that Petitioner was issued with a charge sheet and he was asked to submit his explanation but Petitioner has not submitted any explanation to the said charge sheet. In proof of this contention he has craved the attention of this court towards the enquiry proceeding, the original proceeding book has been submitted by him. On the very first page of this enquiry proceeding the presence of Zallel Khan has been mentioned and he was put on a question regarding receipt of the charge sheet to which he has replied in affirmative. He has been asked whether he has given any reply to the charge sheet, to which he has replied in negative. There is signature of Zallel Khan on this proceeding sheet which has not been challenged by the Petitioner before this tribunal. Not only that it was asked to the Petitioner whether he is feeling guilty of the charges, to which he replied he is pleading guilty of the charges. He has declined to seek assistance from any other person, this shows that the charge sheet was given to the Petitioner which was not replied by him and during the course of the enquiry he has pleaded guilty. Specific statement was given by Respondent's witness, A. Murthy, Office Superintendent, who has stated that Zallel Khan has put in 65 musters, during 2004 he remained absent without obtaining leave and without prior intimation. No question was asked by Zallel Khan from Mr. N. Murthy though opportunity was given to Mr. Zallel Khan to cross examine the witnesses but he has not cross examined. The statement of Mr. N. Murthy has been substantiated by V.V. Appa Reddy, Paysheet Clerk who has stated during the course of enquiry that during the year 2004 from January, 2004 to December, 2004 the Petitioner has remained absent for 247 days. He has submitted xerox copies of attendance register. The statement was recorded in the presence of Petitioner and he was asked to cross examine the witness, but has not cross examined. The proceeding book further shows that statement of Mr. Zallel Khan was also recorded by the Enquiry Officer. He has stated that he received charge sheet No. CH. 2/R.3/2005/1149 dated 10-6-2005. He has further stated that he remained absent for 247 days unauthorisedly without sanctioned leave or without sufficient cause through out the year 2004. He has stated that due to sudden death of his wife his family condition has become disturbed, his three children have become orphans and he could not attend to his duties regularly.

He has admitted that it is the mistake on his part for not informing his superiors about his family condition and he has not given leave application. He has stated that he reported sick in company hospital from 15-11-2004 to 31-12-2004. But no evidence was produced by the Petitioner. Thus, the Enquiry Officer has held that the Petitioner was habitual absentee and had put in only 65 musters during the year 2004. He did not inform his superiors or Respondent company about his absenteeism nor he has applied for any type of leave. This shows the contention of the Learned Counsel for the Petitioner that Petitioner was not afforded opportunity to cross examine management witnesses is baseless and unacceptable. So far as the cause of absence is concerned, the Petitioner has contended and stated before the Enquiry Officer that due to death of his wife he remained absent. The Petitioner did not file or produce any evidence regarding the date of death of his wife before the Enquiry Officer, however, he has submitted xerox copy of death certificate of his wife Rukhshana before this tribunal which otherwise proves that the wife of Petitioner died on 12-9-2002. If the cause of absence of the Petitioner was sudden death of his wife, his wife expired in September, 2002 wherein the Petitioner has put in 154 musters during the year 2002. However he has put in 118 musters during the year 2003, but remained absent in 2004 thus the contention of Petitioner that he remained absent due to death of his wife is not correct and against own evidence of Petitioner. Had the cause of absence been the death of Petitioner's wife, it was the year 2002 and 2003 which could have been justified for the absence of the Petitioner due to death of his wife. But the Petitioner has been issued charge sheet for his absence during the year 2004 which year he has put in only 65 musters which can not be said to be the cause of wife's death. Because, the Petitioner's wife expired about 1½ years before starting the year 2004, thus, what was the cause of the Petitioner's absence during the year 2004 has not been explained by the Petitioner. The explanation given by Petitioner before this court through this petition is neither tenable nor based on factual matrix because the evidence prove that Petitioner's wife expired in the year 2002 itself. This court has every sympathy for the Petitioner and his children due to the sudden demise of his wife, but the absence of the Petitioner in the year 2004 is not the cause of demise of the wife of Petitioner.

9. During course of enquiry Petitioner stated that he did not inform his superiors regarding his absence nor he applied for any type of leave. However, he argued before this Court that he was met with a serious accident due to which he could not attend to his duties but evidence submitted by Petitioner itself proves that Petitioner met with accident in the month of November, 2005. This also can not substantiate the contention of the Petitioner that his absence during the year 2004 was cause of accident or fracture of his wrist.

10. From the above discussion and evidence available on record this tribunal has come to the conclusion

that the Petitioner's absence during the year 2004 for a period of 247 days was without any sufficient reason and cause and without or intimation and prior leave from his superiors. This is grave misconduct within 25.25 of the standing orders to which Petitioner's services are governed. Learned Counsel for Petitioner has argued that provision of clause 25.25 of Standing Orders of the company has got no statutory force but I am not convinced with this argument because the service condition of Petitioner is governed by standing order of company as such, it has statutory force and it regulate the condition of service of the Petitioner as stated by him in his claim petition, thus, the Respondent management has committed no mistake nor any illegality in dismissing the Petitioner from the services and penalty imposed by the management is neither excessive nor disproportionate to misconduct as 'held by Hon'ble Supreme Court in the matter of Ashok Kumar Singh and another Vs. State of U.P. and others, Petitioner does not deserve any sympathy from this court, there is no merit in the petition.

11. Learned Counsel for the Petitioner has submitted before this tribunal to consider the petition on sympathetic ground because the Petitioner along with his three minor children are facing economical crisis due to the non-employment of the Petitioner. I have considered this argument. No doubt, the children of Petitioner are minor and Petitioner would be facing hardship and crisis due to the non-employment but for his non-employment and economical crises no other than the Petitioner is responsible and it is Petitioner who has forced himself and his children to face starvation and economical crisis, and this can not be a good ground for sympathetic and lenient attitude towards the person who being a young man is not interested to his duties by not performing to his job and remained absent without any reasonable or sufficient cause thereby losing his job and thus he can not be looked with any leniency or sympathy there is no merit in this argument as well. He does not deserve any sympathy from this tribunal. There is no merit in this petition and deserves to be dismissed and accordingly this petition is dismissed and hence, this Award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 28th day of January, 2010.

VED PRAKASH GAUR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	: Witnesses examined for the Respondent
NIL	NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 18 मार्च, 2010

का.आ. 942.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या 70/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2010 को प्राप्त हुआ था।

[सं. एल-12012/145/2007-आई आर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th March, 2010

S.O. 942.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/2007) of the Central Government Industrial Tribunal-Cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 18-3-2010.

[No. L-12012/145/2007-IR (B-1)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Wednesday, the 10th March, 2010

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 70/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their Workman)

#### Between

Sri. A. Joseph	: I Party/Petitioner
	Vs.
The General Manager	: II Party/Management
State Bank of India	
Circle Top House, 16,	
College Road Chennai-	
600006	

#### APPEARANCE

For the 1st Party/ Petitioner	: M/s. Balan Haridas
For the 2nd Party/ Management	: M/s. K. S. Sundar

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/145/2007-IR (B-1) dated

14-11-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of State Bank of India in discharging the services of Sri A. Joseph, is legal and justified ? If not to what relief the workman concerned is entitled ?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 70/2007 and issued notices to both sides. Both sides entered appearance through their respective counsel and filed their Claim and Counter statement as the case may be.

3. The facts necessary for disposal of the ID averred in the Claim Statement are as follows :

The petitioner/cashier in MRL Manali branch of the Respondent/Bank was suspended on 22-01-1997 for an alleged indecent and disorderly behavior on 21-01-1997. On 19-03-1997 Charge Memo was issued levelling 5 charges to which the petitioner submitted explanation on 20-03-1997 denying the allegations. He was Charge Sheeted on 27-05-1999. The first charge is that the petitioner submitted false Leave Fare Concession bill for Rs. 5,520/- claiming to have commenced journey to various places from 04-05-1994. The second charge is that he submitted false Leave Fare Concessions for Rs. 11,052/- claiming to have commenced journey to various places from 11-07-1995. He was Charge Sheeted after 5 years for collateral purposes with delay not explained. An enquiry was held in which charges were not proved. The petitioner disproved the charges by examining witnesses and marking RC Book of the Car with no. TMT 4215 which car is proved used by the bank and MRL. In spite of that the charges were held proved. The finding is perverse and contrary to evidence. On 04-04-2001, Show-Cause Notice proposing punishment of dismissal without notice was issued which was replied to. On 02-06-2001, the punishment of discharge was imposed. Appeal preferred was rejected on 03-11-2001 arbitrarily. He was Charge Sheeted on 19-03-1997 suspending him on 22-01-1997 in a vindictive action. The first of 5 charges is that the petitioner on 08-11-1996 left the place of work for 30 minutes, second is that on 14-11-1996, the petitioner had heated argument with customer and the cashier V. Devendran, third charge is that he was in a drunken mood on 21-01-1997, fourth charge is that he demanded Identity Card from M. Karunanidhi who came to the bank for audit, fifth charge is that he shouted at armed guard on 21-01-1997 which are denied. In the domestic enquiry, no charges were proved. He had gone out to meet a relative on information to his superior. The cashier deposed that there was no heated discussion. Demand of Identity Card from M. Karunanidhi, then a stranger to him could not be a misconduct. Charge Sheet dated 27-05-1999 was issued finding no use of the earlier charge. The evidence of Ganapathy Raman without his Investigation Report cannot be accepted. He was giving evidence against the petitioner with a predetermined mind.

The petitioner travelled in car with number TMT 4215 of Kasi with Driver I.S. Vadivel. They have supported petitioner's journey in the car. Kasi deposed that receipt was issued by him using the Letter Head of Ramya Travels as a usual practice. The petrol/diesel bill, parking ticket etc. could not be produced due to the delayed initiation of the Charge Sheet after 5 years putting the petitioner into great prejudice. Taking into account the earlier punishment of censure without notice, punishment of discharge is imposed in violation of natural justice and fair play. The Appellate Authority saddled in the same way as the Disciplinary Authority. The enquiry was conducted against the principles of natural justice and fair play. The punishment is illegal. It is also grossly disproportionate and the same is liable to be “interfered with under Section-11A of the ID Act. The petitioner is without employment. It is prayed that the punishment be held illegal and same be set aside and the petitioner be reinstated into service with all benefits.

4. The allegations in the Counter Statement bereft of unnecessary details are as follows:

The petitioner had been dismissed once with effect from 1-9-1984 for the misconduct of claiming false bill of Rs. 3,810/- . As per ID award dated 20-11-1995, he was reinstated. The dispute is related to the present discharge. The petitioner had been subjected to three disciplinary proceedings. Delay in charge sheeting was on account verification purpose. The petitioner is not prejudiced thereby. The charges were proved in the enquiry. The vouchers were not genuine and the vehicle was not a taxi. The bank lost confidence in him. The punishment is commensurate with the gravity of the charges. The past record of the petitioner was not favourable. One disciplinary proceedings against him is kept in abeyance. The claim is only to be dismissed.

5. The evidence consists of the oral evidence of WW1 and Ex. W1 to Ex. W9 marked on the petitioner's side. On the side of the management Ex. M1 was marked and no oral evidence was adduced. The marking of the documents was on mutual consent.

#### 6. Points for consideration are:

(i) Whether the discharge of the petitioner from service by the Respondent/Management is legal and justified?

(ii) To what relief the concerned workman is entitled to?

#### Point Nos. (i) & (ii)

7. The learned counsel for the petitioner argued that the charge sheet issued is belated and is for collateral purposes after 5 years. The so-called investigation report on which the action was based was not given to the petitioner. The delay is not explained. That the journey was not conducted by the petitioner is not proved. The finding is perverse. The appeal was rejected arbitrarily.

8. The contra contentions on behalf of the Respondent are that from the materials placed before the domestic enquiry the finding could be found to be correct and there is no scope for interference. The petitioner has had recurring misconducts of the nature from time to time. The Respondent/Management lost confidence on him. The enquiry and the findings are proper. There is no scope for interference with punishment. The petitioner as a bank employee dealing with public money is expected to be with honesty and integrity to his duty. He has been dismissed once w.e.f. 1-9-1984 for a similar misconduct. As per ID award dated 20-11-1995, he was reinstated. The delay in chargesheeting was the need for account verification. The delay has not prejudiced the petitioner. He has not produced genuine voucher for the journey undertaken.

9. It is not the case of the petitioner that he has produced vouchers which was not open to challenge at the hands of the Respondent/Management. Evidently and admittedly the bill produced does not relate to the owner of the vehicle in which the petitioner allegedly travelled. Though the case is that the voucher of a different owner of a vehicle was produced claiming as a usual practice the same has not been substantiated by the petitioner. Conversely, the said owner of the other vehicle has also disowned his vehicle having been made use of by the petitioner for undertaking his journey. When a proposition is introduced which is not so common but is asserted as having been a usual practice, it is for that person, herein the petitioner, who has to elucidate the same. In other words, it is for the petitioner to make it clear how when the journey was undertaken in a vehicle to vouchsafe the same the vouchers pertaining to another vehicle could meet the purpose especially when it is disowned by the owner of the other vehicle itself. That burden has not been discharged by the petitioner. The charge against the petitioner could be found proved in the enquiry. The finding cannot be found as perverse. The delay has been explained. The enquiry and the findings are fair and proper. The punishment is also legal and justified and therefore it is only to be upheld. The petitioner is not entitled to any relief.

10. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th March, 2010).

A.N.JANARDANAN, Presiding Officer

#### Witnesses Examined :

For the 1st Party/Petitioner: WW1, Sri A. Joseph

For the 2nd Party /Management : None.

Documents marked:

On the petitioner's side

Ex. No.	Date	Description
Ex. W1	17-2-2009	Charge Sheet

Ex. W2	22-2-2009	Defense Brief
Ex. W3		Prosecution Brief
Ex. W4	19-2-2000	Enquiry Report along with the documents marked in the enquiry
Ex. W4 (a)		22 documents marked by the prosecution side
Ex. W4 (b)		6 documents marked by the petitioner in the Enquiry
		(i) Charges Voucher
		(ii) Charges Voucher
		(iii) Charges Voucher for Rs. 120 dated 06-04-1994
		(iv) Receipt issued by R.Kasi
Ex. W5	04-04-2001	Order passed by the Disciplinary Authority
Ex. W6	30-04-2001	Explanation given by the petitioner to Disciplinary Authority
Ex. W7	02-06-2001	Final order passed by the Disciplinary Authority
Ex. W8	17-7-2001	Appeal filed by the petitioner
Ex. W9	03-11-2001	Order of the Appellate Authority

#### On the Management's side

Ex. No.	Date	Description
Ex. M1	20-11-1990	Order passed in ID No. 45/1987.

नई दिल्ली, 18 मार्च, 2010

का.आ. 943.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द लक्ष्मी विलास बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 357/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2010 को प्राप्त हुआ था।

[सं. एल-12012/109/2004-आई आर (पी-1)]

सुरेन्द्र सिंह, डेप्युटी अधिकारी

New Delhi, the 18th March, 2010

S.O. 943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 357/2004) of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the management of the Lakshmi

Vilas Bank Ltd. and their workmen, received by the Central Government on 18-03-2010.

[No. L-12012/109/2004-IR (B-I)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 23rd February, 2010

Present : A. N. JANARDANAN, Presiding Officer

Industrial Dispute No. 357/2004

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Lakshmi Vilas Bank Ltd. and their workman]

#### BETWEEN

Sri A. Selvakumar : 1st Party/Petitioner

And

The Chief Manager, : 2nd Party/Management

The Lakshmi Vilas Bank Ltd.,

Karur

#### APPEARANCE

For the 1st Party/Petitioner : M/s. Arunachalam &  
Associates

For the 2nd Party/Management: M/s. K. Jayaraman

#### AWARD

The Central Government Ministry of Labour vide order No. L-12012/109/2004-IR (B-I) dated 13-5-2004 has referred this Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :—

“Whether the action of the management of The Lakshmi Vilas Bank Ltd. in terminating the services of Shri A. Selvakumar w.e.f. 26-2-1994 without conducting any enquiry is justified? If not, to what relief he is entitled to?”

2. After the receipt of the reference, it was taken on file as I. D. No. 357/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegation of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner was working as a Clerk under the Respondent/Management from 1980 onwards in various branches and finally in Kandhili Branch at Thiruppathur

Taluk. He was suffering from continuous illness and has sent leave applications for four spells from 01-12-1993 to 23-02-1994 alongwith medical certificates. On 28-01-2004, the Respondent/Management sent a communication stating that his absence from 27-10-1993 is an unauthorized one and thereby calling upon him to report for duty within 30 days from the date of notice based on Section-17 of Bipartite Settlement dated 10-04-1989. After receiving the said notice on 01-02-1994, the Petitioner reported for duty on 24-02-1994 in Kandhili Branch and handed over the joining letter but the Branch Manager bluntly refused to permit the Petitioner to join duty. Immediately, the Petitioner sent a telegram to Divisional Manager, Salem and Chairman at Karur stating that Branch Manager is not permitting him to join duty on 24-02-2004. On the next day, he sent a telegram notice to the Manager, Kandhili Branch stating that action of the Respondent in refusing to provide job is unlawful and unethical. He also sent registered representation to Assistant General Manager through Branch Manager on 24-02-1994. Again on 25-02-1994, he again sent a registered letter to Divisional Manager and also met the Industrial Relations Manager of Personnel Department of Respondent/Bank and told him that he was not permitted by Branch Manager to join duty and the Industrial Relations Manager advised the petitioner to act according to the instructions of Assistant General Manager. On 26-02-1994, the Petitioner sent registered letter to AGM narrating all the above facts and requested him to provide a special letter to the Branch Manager. But, the AGM has abruptly sent a communication on 28-02-1994 stating that since the Petitioner has not reported for duty till 26-02-1994 his name was deleted from 26-02-1994 without considering the various efforts taken by the Petitioner, which is illegal and deletion of his name from roll is without considering his representation is arbitrary and against principles of natural justice. Even though the Respondent/Management alleged that all the leave applied for by the petitioner are unauthorized one, they have neither rejected nor returned the leave applications. Further, deleting the name of Petitioner from rolls on 26-02-1994 without issuing any notice, framing charges and even without conducting any enquiry is unlawful. It is a clear case of victimization done against principles of natural justice and also provisions of Section-25F of I. D. Act. The Petitioner then filed an appeal before the Deputy Commissioner of Labour under Shops & Establishment Act in TSE No. 8/94 challenging order of termination and the appeal was allowed on 13-03-1997. Against that order, Respondent/Management preferred a Writ Petition before the High Court and High Court by an order dated 12-12-2003 without going into the merits of the case, allowed the same on the ground that authority has no jurisdiction to decide the matter. Hence, the Petitioner raised this dispute before Commissioner of Labour (Central). Therefore, the Petitioner prays to pass an award to set aside the order of termination and to reinstate the Petitioner into service with full backwages, continuity of service and other attendant benefits.

4. In the Counter Statement, the Respondent has contended that though the Petitioner was working as a Clerk he was not really interested in the job. He was not available for employment continuously for long periods. In the year 1991 he reported for work only for 12 days, in 1992 for 25 days and in the year 1993 for 12 days. The Petitioner has exhausted all the leave entitled for an employee and even after exhausting his leave he continued to submit his leave application from time to time. The said leave applications were rejected by the Respondent/Bank with an endorsement "unauthorized absence with consequent cut in salary". Leave applications for the period from 30-10-1993 to 05-11-1993, 06-11-1993 to 30-11-1993, 01-12-1993 to 21-12-1993, 22-12-1993 to 10-01-1994 and 11-01-1994 to 05-02-1994 was never sanctioned by the Respondent/Bank. Therefore, his continuous absent for 90 days attracted provisions of Section-17 of Bipartite Settlement dated 10-04-1989. Since the Petitioner absented for duty unauthorizedly as per the terms of Para 17 of Settlement, notice dated 28-01-1994 was issued to the Petitioner calling upon him to show cause why Para-17 of Bipartite Settlement should not be invoked and he was further called upon to report for duty within 30 days thereof and to give satisfactory explanation and in the absence of reply, his name will be deleted on the expiry of 30 days notice which expired on 26-02-1994. The Petitioner was not reported for duty on 24-02-1994 as alleged by him. Para 17 of the Bipartite Settlement does not speak of receipt of notice i.e. only the date of notice. It is false to allege that the Petitioner reported for duty on 24-02-1994 and he was prevented from joining duty. The Respondent/Bank neither received any communication at its Kandhili Branch nor at its administrative office. Cessation of employment of Petitioner brought about in the said circumstances would not amount to a termination by the Respondent/Bank. Therefore, deletion of Petitioner's name from the rolls cannot be said as arbitrary and against the principles of natural justice. Previously, the Petitioner has abstained from duty unauthorizedly from 29-04-1993 and when his unauthorized absence crossed 90 days a notice dated 28-09-1993 was issued in terms of Para-17 of Bipartite Settlement dated 10-04-1989 and immediately he reported for duty on 20-10-1993 with a view to avoid deletion of his name in terms of settlement dated 10-04-1989, subsequent to that he had again indulged in unauthorized absence from 27-10-1993 and from 30-10-1993. Since the Petitioner having failed to get favourable orders under Tamil Nadu Shops & Establishment Act has come before this Tribunal with the same baseless allegations. But, the mere fact that the Petitioner from January, 1991 to 28-01-1994 has reported for duty only for 49 days shows how much interest he has got towards employment. The countenance of the claim of Petitioner would amount to gross abuse of process of law. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Again, in the rejoinder, the Petitioner alleged that notice dated 28-01-1994 of the Respondent/Bank was received by him on 01-02-1994 and therefore, he has got time till 03-03-1994. Though the Respondent alleged that the time prescribed in the notice expired on 26-02-1994, he has approached the Respondent/Bank on 24-02-1994 and submitted his joining report. Only because he was not permitted to join duty, he sent a telegram on the same day i.e. 24-02-1994 regarding actual happenings to the Asstt. General Manager, Divisional Manager and Chairman of the Respondent/Bank. Even the AGM received the representation given by the Petitioner on 26-02-1994 and without considering the above representation, the AGM issued a communication dated 28-02-1994 to the effect that the Petitioner's name has been removed from the rolls w.e.f. 26-02-1994. Even after that he has sent a detailed reply to Divisional Manager and it was received by him on 01-03-1994. When there was a difference of opinion regarding issue of joining duty, the Respondent-Bank ought to have conducted an enquiry to clarify the issue and the Petitioner should have given an opportunity to explain the genuineness of his case. Therefore, without conducting any enquiry the order passed by the Respondent/Management is illegal and against the principles of natural justice. Even the High Court in number of decisions held that "date of notice" has to be read as "date of receipt of notice" otherwise it will be liable to be struck down as violative of Article-14 of the Constitution. Since the striking of his name from rolls of bank is a clear case of termination which amounts to retrenchment, the same is illegal and invalid in the absence of complying with mandatory provisions of Section-25F of the I. D. Act. Hence, he prays for an award in his favour.

6. Again, the Respondent/Management filed an additional counter alleging that Petitioner had been charge sheeted on three prior occasions for his frequent unauthorized absence and appropriate punishment was also imposed on three occasions. In all these cases, the Petitioner reported for duty purposely and willfully before expiry of notice period and worked for few days and again remained absent from duty. He had been referred to medical board/DMO on several occasions for his continued absence on various days to find out his fitness to resume duty but the Petitioner did not appear before the medical board and prolonging the matter. Therefore, the Petitioner is not entitled to any relief and hence, the Respondent prays to dismiss the claim of the Petitioner with costs.

7. The I. D. was once disposed off by my learned predecessor as per award dated 03-04-2006 as per which it was held that the action taken by the Respondent/Bank invoking provisions of Para-17 of Bipartite Settlement is not legal with direction to reinstate the petitioner with continuity of service and all other attendant benefits however limiting the backwages to a half. It was further ordered that there is no prohibition in taking departmental

action after conducting domestic enquiry with regard to the unauthorized absence of the petitioner from 27-10-1993. The Respondent/Bank filed WP (MD) 9076/2006 before the Hon'ble High Court of Madras challenging the award. As per order dated 15-02-2008, the High Court of Madras set aside the impugned award and remitted the matter back to this Tribunal with a direction to allow the bank to cite additional evidence justifying the act of the bank as well as to the workman to adduce further evidence.

8. Points for consideration are:

- (i) Whether the action of the Respondent/Management in terminating the services of the petitioner Sri A. Selva Kumar w.e.f. 26-02-1994 without conducting any enquiry is justified?
- (ii) To what relief the concerned workman is entitled?

9. On the side of the petitioner WW1 was examined and Ex. W1 to Ex. W12 were marked and on the side of the Respondent MW1 was examined and Ex. M1 to Ex. M48 were marked before remand. After remand on the side of the Respondent MW2 was examined and Ex. M49 to Ex. M65 were marked. WW1 was recalled and further examined in Chief and Cross and Ex. W13 to Ex. W18 were marked.

Points No. (i) & (ii)

10. Heard both sides and perused the documents and records. The learned counsel for the petitioner contended that even with further evidence adduced by the Management following the direction of the High Court, the position does not stand improved as from the finding dated 03-04-2006. The finding is that the workman reported for duty on 26-02-1994 before the expiry of 30 days and the Management was preventing him from joining. Additional evidence was to be limited to the point of reason why the petitioner was not allowed to join duty. But the Management has conducted full fledged enquiry which is not permitted in law. It is further pointed out that under Clause-17 of the Bipartite Settlement (Ex. W13) is only for an absence for 90 or more days consecutively without hearing anything from the employee. The period of petitioner's absence for which leave has been sanctioned by the Management is also counted by the Management for reckoning 90 days. It is further argued that the termination would amount to retrenchment.

11. The contra arguments advanced by the learned counsel for the Respondent are that the petitioner was terminated from service for long and habitual absence. He pointed out several instances of various spells during which the petitioner remained absent without leave in consequence of which he has had been imposed various punishments and the fact that the petitioner has had also undertaken not to repeat such conduct. But there was no improvement in his conduct. The herein challenged action is in relation to his absence for the period from 27-10-1993 to 24-02-1994. It is not a period for which the leave has been sanctioned. It is further pointed out that in cases of

absenteeism where leave has been granted it is just to set right record and that does not absolve the misconduct. The same is not a ratification of erring conduct on the part of the workman.

12. As per the direction of the remand order of the High Court what was required of the Respondent was to let in additional evidence to show why the petitioner was not allowed to join duty on 26-02-1994. That is to say whether petitioner reported for duty or not is no more a question to be decided. By adducing additional evidence, the Respondent has not been able to spell out any reason or justification why the petitioner was not allowed to join duty which was in response to a notice from the Respondent/Bank to report for duty within one month. The bank has yet been trying to give reason why he has to be terminated from service. The learned counsel for the Respondent relied on the decision of the Supreme Court reported in STATE OF UP AND OTHERS VS. ASHOK KUMAR SINGH AND OTHERS (1996-LAB-1 C-7 54) wherein it was held that "*having noticed the Act that the 1st Respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that his absence from duty would not amount to such a grave charge*". In another decision of the Apex Court in DELHI TRANSPORT CORPORATION VS. SARDAR SINGH (2004-LLR-953) it was held that "merely because the absence of a workman was treated as leave without pay for the purpose of maintaining correct record by the Management, it does not absolve the workman from the misconduct of his absence".

When an employee habitually absents himself from duty even, without sanctioned leave for very long, it prima facie shows negligence and lack of interest in work and in departmental proceedings to trial it as misconduct was not unjustified view.

In another decision reported in UNION OF INDIA AND OTHERS VS. BISHAMBER DASS DOGRA (2009-II-CLR-723) it is settled legal proposition that "habitual absenteeism is gross violation of discipline".

13. Instead of justifying why petitioner was not allowed to join duty Respondent has only tried to justify why he has to be terminated. Once a notice has been sent requiring the petitioner to report for duty that he was not allowed to join duty is not at all justified. The first and foremost thing for the banks to have done is to permit him to join duty. The Respondent/Management acted arbitrarily and in violation of the principles of natural justice. The termination is one brought about without holding an enquiry. This is against justice, equity and good conscience and law as well as the broader principles of natural justice. Therefore, the petitioner is to be reinstated into service with continuity of service and all attendant benefit with 50% of backwages. It is made clear that thereafter the Respondent/Management will be at liberty in taking departmental action against him after conducting a domestic enquiry if it feels it must or may avoid it and keep him on

watch to see whether he makes any appreciable progress in his conduct with regard to attendance in the bank for the performance of his duties in the future and also whether bank can repose confidence in him to continue him in service. So ordered.

14. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd Feb, 2010).

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner : WW1, Sri A. Selva Kumar

For the II Party/Management : MW1, Sri N. Subramanian MW1, Sri R. Sivaraman

Documents marked

On the side of the Petitioner

Ex. No Date Description

Ex.W1	18-11-1980	Xerox copy of the appointment order issued to Petitioner
Ex.W2	22-06-1981	Xerox copy of the confirmation order to Petitioner
Ex.W3	27-08-1987	Xerox copy of the promotion order of Petitioner
Ex.W4	28-01-1994	Xerox copy of the letter from Respondent to Petitioner
Ex.W5	Nil	Xerox copy of the telegram series sent to Respondent
Ex.W6	Nil	Xerox copy of the telegram sent by Petitioner's counsel to Respondent
Ex.W7	24-02-1994	Xerox copy of the letter from Petitioner to Respondent with A.D. Card
Ex.W8	25-02-1994	Xerox copy of the letter from Petitioner to Respondent/Management
Ex.W9	26-02-1994	Xerox copy of the letter from Petitioner to Respondent with AD Card
Ex.W10	28-02-1994	Xerox copy of the letter from Respondent/Bank to Petitioner
Ex.W11	Nil	Xerox copy of the SB Account Opening Slip of N. A. Central Coop. Bank.
Ex.W12	13-03-1997	Xerox copy of the order in TSE No. 8/94
Ex.W13	10-04-1989	Extract of Bipartite Settlement Para-17
Ex.W14	22-12-1993	Letter of Respondent treating leave as absence on 27-10-1993
Ex.W15	22-12-1993	Letter of Respondent treating leave as absence from 06-11-1993 to 30-11-1993

ExW16 27-12-1993 Letter of Respondent treating leave as absence from 30-10-1993 to 30-11-1993

ExW17 13-03-2004 Letter of Respondent before Asstt Commissioner of Labour (C), Chennai

ExW18 17-03-2004 Letter of Respondent before Asstt Commissioner of Labour, Chennai camp at Salem

On the side of the Management

Ex. No	Date	Description
Ex.M1	17-08-1988	Xerox copy of the Charge Sheet issued to Petitioner
Ex.M2	07-09-1989	Xerox copy of the proposed order
Ex.M3	03-11-1989	Xerox copy of the final order
Ex.M4	30-11-1990	Xerox copy of the Charge Sheet issued to Petitioner
Ex.M5	21-11-1991	Xerox copy of the notice issued by Disciplinary Authority
Ex.M6	27-12-1991	Xerox copy of the final order
Ex.M7	10-11-1993	Xerox copy of the Charge Sheet issued to Petitioner
Ex.M8	03-07-1992	Xerox copy of the notice to Petitioner to report for duty
Ex.M9	19-02-2003	Xerox copy of the notice to Petitioner to report for Duty
Ex.M10	02-03-1993	Xerox copy of the reply given by Petitioner
Ex.M11	28-09-1993	Xerox copy of the notice
Ex.M12	13-10-1993	Xerox copy of the reply given by Petitioner
Ex.M13	28-01-1994	Xerox copy of the notice issued to Petitioner
Ex.M14	25-02-1994	Xerox copy of the reply submitted by Petitioner
Ex.M15	28-02-1991	Xerox copy of the notice from Respondent to Petitioner
Ex.M16	03-07-1992	Xerox copy of the notice from Respondent to Petitioner
Ex.M17	30-01-1992	Xerox copy of the certificate of fitness to return to Duty
Ex.M18	12-10-1993	Xerox copy of the letter from Respondent to Petitioner
Ex.M19	27-11-1993	Xerox copy of the Charge Sheet issued to Petitioner
Ex.M20	09-07-1983	Xerox copy of the circular issued by Personnel Department
Ex.M21	16-05-1987	Xerox copy of the letter from Respondent to Petitioner
Ex.M22	24-06-1987	Xerox copy of the letter from Respondent to Petitioner



Ex.M23	19-08-1987	Xerox copy of the letter from Respondent to Petitioner	Ex.M46	20-01-1994	Xerox copy of the letter from Personnel Department to Kandhili branch regarding sanction of leave of Petitioner
Ex.M24	29-08-1987	Xerox copy of the assurance letter from Petitioner			
Ex.M25	19-06-1989	Xerox copy of the letter from Respondent to Petitioner	Ex.M47	04-02-1994	Xerox copy of the telegram sent by Personnel Department to Petitioner
Ex.M26	09-11-1989	Xerox copy of the letter from Respondent to Petitioner			
Ex.M27	16-12-1989	Xerox copy of the letter from Respondent to Petitioner	Ex.M48	21-01-1994	Xerox copy of the letter from Divisional Office to Kandhili branch regarding sanction of leave of Petitioner
Ex.M28	27-12-1989	Xerox copy of the letter from Respondent to Petitioner			
Ex.M29	23-04-1990	Xerox copy of the letter from Respondent to Petitioner	Ex.M49	22-01-1990	District Medical Officer Report
Ex.M30	17-02-1993	Xerox copy of the letter from Respondent to Petitioner	Ex.M50	19-10-1966	Disciplinary action and procedures
Ex.M31	28-05-1988	Xerox copy of the letter from Respondent to Petitioner	Ex.M51	19-10-1969	Bipartite Settlement for Leave Rules
Ex.M32	25-08-1988	Xerox copy of the letter from Respondent to DMO	Ex.M52	25-11-1993	Letter sent by Second Party to First Party
Ex.M33	05-10-1989	Xerox copy of the letter from Respondent to DMO	Ex.M53	27-10-1993	Kandili branch letter to Head Office
Ex.M34	30-05-1991	Xerox copy of the letter from Respondent to Petitioner	Ex.M54	28-10-1993	Kandili branch letter to Head Office
Ex.M35	04-06-1991	Xerox copy of the letter from Respondent to Petitioner	Ex.M55	02-12-1993	First Party letter to Second Party
Ex.M36	20-06-1991	Xerox copy of the letter from Respondent to Petitioner	Ex.M56	06-06-1994	Worksheet for Bonus payment
Ex.M37	14-12-1991	Xerox copy of the letter from Respondent to Petitioner	Ex.M57	23-11-1993	Kandili branch letter enclosing leave application with M.C. submitted by 1st party
Ex.M38	28-07-1993	Xerox copy of the letter from Respondent to Joint Director of Medical Services	Ex.M58	22-12-1993	Communicated that 25 days leave requested from 06-11-1993 was rejected because from 30-10-1993 onwards he was on unauthorized absence
Ex.M39	18/28-08-93	Xerox copy of the notice sent by Joint Director of Medical Services, Vellore to Petitioner			
Ex.M40	08-07-1991	Xerox copy of the letter from Divisional Office to Respondent to Personnel Department, Karur	Ex.M59	27-01-1994	Branch letter for 26 days Sick Leave applied by the petitioner from 11-01-1994
Ex.M41	30-01-1992	Xerox copy of the Certificate of fitness to return to Duty	Ex.M60	04-02-1994	2nd Party Telegram to 1st Party
Ex.M42	19-03-1993	Xerox copy of the certificate of fitness to return to Duty	Ex.M61	—	Xerox copy of Attendance Register Sheet for the month of January 1991
Ex.M43	27-12-1993	Xerox copy of the letter from Divisional Office to Kandhili branch regarding sanction of leave of Petitioner	Ex.M62	—	Xerox copy of Attendance Register Sheet for the month of February 1992
Ex.M44	05-01-1994	Xerox copy of the letter from Respondent to Petitioner	Ex.M63	—	Xerox copy of Attendance Register Sheet for the month of February 1993
Ex.M45	21-01-1994	Xerox copy of the letter from Divisional Office to Kandhili branch regarding sanction of leave of Petitioner	Ex.M64	—	Xerox copy of Attendance Register Sheet for the month of January 1994
			Ex.M65	20-01-1996	Statement of Attendance of the Petitioner

नई दिल्ली, 18 मार्च, 2010

का.आ. 944.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के सम्बद्ध निगोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 129/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/62/99-आईआर(बी.1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th March, 2010

S. O. 944.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/99) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure in Industrial Dispute between the management of State Bank of Patiala and their workman, received by the Central Government on 18-03-2010.

[No. L-12012/62/99-IR(B-I)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH

Case ID No. 129/99

Sh. R. K. Bali, House No. 6-C, Nangal Township, Distt.  
Ropar (FB)-140124

... Applicant.

Versus

The Asstt. General Manager (Op), State Bank of Patiala,  
Head Office, The Mall, Patiala-147001.

... Respondent

#### APPEARANCES

For the workman : Sh. Arun Batra

For the management : Sh. N.K. Zakhmi

#### AWARD

Passed on 1-3-2010

Government of India vide Notification No. L-12012/62/99-IR(B-I) dated 12-05-1999, by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following Industrial dispute for adjudication to this Tribunal :-

"Whether the action of the management of State Bank of Patiala in terminating the services of Shri R.K. Bali is legal and justified? If not to what relief the concerned workman is entitled and from which date?"

2. Today the case was fixed for evidence of the workman. The workman is not present for his evidence. Learned counsel for the workman stated that workman has not come despite the information to him. The case is critically old as the same was referred to this Tribunal in the year 1999. Already 11 years have been passed. It appears that workman is not interested to pursue with the present reference as he is not coming for his evidence. In view of the above, the claim in the present reference is returned to the Central Government for want of prosecution. Cental Government be informed. File be consigned.

Chandigarh

3-3-2010

G. K. SHARMA, Presiding Officer.

नई दिल्ली, 18 मार्च, 2010

का.आ. 945.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ.सी. आई. के प्रबंधन के सम्बद्ध निगोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 304/2005 और 433/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2010 को प्राप्त हुआ था।

[सं. एल-22012/147/1996-आईआर(सी. II)]

[सं. एल-22012/186/1997-आईआर(सी. II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th March, 2010

S. O. 945.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 304/2005 & 433/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 18-3-2010.

[No. L-22012/147/1996-IR(C-II)]

[No. L-22012/186/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

#### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR  
SHARMA, PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT-I, CHANDIGARH

Case No. I.D. No. 304/2005 & 433/2005

1. Sh. Mohan Lal S/o Shri Mangal Ram resident of Gandhi Nagar, Lodhi Gate, Gali No. 2, House No. 236, Patiala.

2. Sh. Maan Pal & Sita Ram C/o The General Secretary  
Delhi Labour Union, Aggarwal Bhawan, G.T. Road,  
Tis Hazari, Delhi- 110064.

Applicants

Versus

1. District Manager, Food Corporation of India, District  
Office, Patiala.
2. District Manager, Food Corporation of India, District  
Office, Hissar.

Respondent

#### APPEARANCES

For the workman : Shri Sarvjeet Singh, Advocate  
Shir J. P. Singh, Advocate

For the management : Shri N. K. Zakhmi, Advocate  
Shri P. K. Jain, Advocate

#### AWARD

Passed on : 9-3-10

Government of India vide Notification No. L-22012/  
147/96/IR(C-II) Dated 20-05-1997 & L-22012/186/97/  
IR(C-II) Dated 20-05-1998, by exercising its powers under  
Section 10 of the Industrial Disputes Act, 1947 (hereinafter  
referred as the Act, referred the following Industrial dispute  
for adjudication of this Tribunal :-

“Whether the action of management of FCI, Patiala  
in terminating the services of Sh. Mohan Lal, casual  
workman, is legal and justified? If not, to what relief  
is the workman is entitled and from which date?”

“Whether the action of management of FCI, Hissar  
in terminating the services of Sh. Maan Pal and Sita  
Ram, Loaders w.e.f. 11-1-91 and 14-2-91 respectively  
is just and legal ? If not, to what relief is the workmen  
entitled?”

This award shall dispose off and answer two  
references namely; ID No. 314/2005 & I.D. No. 433/2005.  
Common questions of law and facts are involved in both  
of the references which afforded an opportunity to this  
Tribunal for adjudication of both the references by this  
single award. It is alleged by all the workmen, which are  
three in numbers in two references that they were engaged  
by the Management of Food Corporation of India on  
different dates as the employees of Food Corporation of  
India. Their services were terminated without a month notice  
or one month wages in lieu of notice and terminal dues.  
On the basis of above contentions all the workmen have  
prayed for an order of this Tribunal setting aside the  
termination orders and consequently order of reinstatement  
of their services along with consequential benefits.

The Management of Food Corporation of India  
appeared and contested the claim petitions of the workmen  
by filing written statements. It has been the contention of

the Management that there was no employer and  
employee relationship between the workmen and the  
Management of Food Corporation of India. The services  
of workmen were provided with to the Management by  
different contracting agencies and none of the workmen  
was appointed by the Management of Food Corporation  
of India. The payment of wages was made good to the  
workmen by the contractors and not by Food Corporation  
of India. It was further contended by the Management that  
there has been no administrative control of the Management  
of Food Corporation of India on all the workmen, while  
they were serving and discharging their duties with the  
Management of Food Corporation of India. On the basis  
of above facts mentioned in the pleadings of the parties,  
the main issues for adjudication before this Tribunal are  
as follows :-

1. Whether the workmen have been the employees  
of the FCI?
2. Whether the services of the workmen were  
provided with to the management of FCI through  
the Contractor on out sourcing?
3. To what relief, if any they are entitled?

Both of the parties were afforded the opportunity of  
being heard. Evidence was recorded. Parties also preferred  
to file the documentary evidence, which are on record. I  
have heard the parties at length and perused the entire  
materials on record. In both of the references management  
of Food Corporation of India has filed the documentary  
evidence which were marked Exhibits. According to the  
procedure laid down in the Industrial Disputes Act, 1947  
(the Act in short). I have gone through both of the files.  
The matter involved in both the files is also the similar  
and the grievances can be redressed by this single award.  
As stated earlier, parties and their learned counsel were  
heard at length. The main arguments of the learned counsel  
of the workmen are that all the workmen were engaged by  
the management of Food Corporation of India directly. If  
they have been shown to be appointed through a  
contractor, it is illegal being against the provisions of  
Contact Labour (Regulation and Abolition) Act, 1970. It  
has also been argued by the learned counsel of the workmen  
that all the workmen were directly under the administrative  
control of the management. They were paid wages by the  
Food Corporation of India and in fact, they were the  
employees of the Food Corporation of India and not of  
the contractors.

On the other hand learned counsel for the management  
argued that there exist no relationship of employer and  
employee between the workmen and the management of  
Food Corporation of India. The service of the workmen  
were provided with to the management by different  
contractors. The consolidated contracted amount was paid  
to the contractors by the management of Food Corporation  
of India and thereafter, the wages were paid to the workmen

by the contractors and not by the Food Corporation of India. It is further submitted by learned counsel for the management that there has been no violation of any provisions of Contract Labour (Regulation and Abolition) Act, 1970. It is further submitted by learned counsel for the management that if for the sake of arguments there is violation of the provisions of the Act, the workman shall not be treated the direct employee of the Food Corporation of India but it will result into the criminal action against the concerned authority under the penal provisions of the said Act.

So far as the relationship between the workmen and the management of Food Corporation of India is concerned, it is a matter of fact and will be adjudicated on perusal of the pleadings filed and evidence adduced by the parties. The fact and evidence adduced by parties showed that in reference No. I. D. No. 443/20005 Man Pal and Sita Ram Versus FCI there was one contracting Agency M/s. Lakshmi and party, Jakhal (Hissar) and in ID No. 304/2005 Shri Mohan Lal Versus FCI, M/s. Associate Service Security & Detectives in picture. In none of the cases the workmen has pleaded that contract, if any, was sham and camouflage.

In both of the references it is admitted that no appointment letter was issued by the management. No doubt, it is denied by the workmen that payment of wages were made good by the contractor but the documentary evidence filed by the management proved that payment to the workmen were made good by the contractor and not by the management of Food Corporation of India. Hon'ble Supreme Court in 2008 LIR 801 ONGC Silcher Vs. ONGC contractual Workers Union, has laid down the criteria to establish the direct employee-employer relationship between the workmen and the management of any organization. If we apply the ratio of GM, ONGC Silcher case (supra) the workman have to prove the following facts to establish the employee-employer relationship:—

1. That there existed a relationship of master and servant;
2. That there was no contractor appointed by the management of Food Corporation of India;
3. The management of Food Corporation of India used to supervise the alleged work assigned to individual workers.
4. That the management of Food Corporation of India took disciplinary action and called for explanations from the workers.
5. That the workers were paid wages by the management of Food Corporation of India directly and not through the contractor.
6. At the cost of repetition, the wages were paid directly to the workers by the management of Food Corporation of India and the acquaintance role were prepared by the management of Food Corporation of India to make the payment to the workers.

If the above mentioned ratio of GM, ONGC Silcher's case (supra) is applied in both of the references it is clear that the workmen have failed to prove that they were appointed/employed by the management of FCI. There is no iota of evidence on record to prove that they were directly under the administrative control of the management of Food Corporation of India. No doubt, the workmen have filed some photocopies of attendance register to prove that their attendance were marked by the officers/officials of the management of Food Corporation of India but it will not be sufficient to prove the administrative control over them. The workmen were supposed to introduce some cogent evidence to prove the administrative control of Food Corporation of India over them. The photocopies of attendance sheets seems to be verified by the officers/officials of Food Corporation of India and it has been the contention of the Food Corporation of India that record of the attendance prepared by the contractor was verified by the officers/officials of the Food Corporation of India to make the consolidated payment to the contractors for providing the contract labour. The workmen, accordingly, have failed to prove that they were under the administrative control of the management of Food Corporation of India.

On the payment of wages, the management of Food Corporation of India has preferred to file the documentary evidence. This documentary evidence is proved by the oral version of the witnesses, who was examined before this Tribunal. On perusal of this evidence, it is clear that consolidated amount on the basis of number of day worked by each workman were given to the contractor, and contractor on the hand used to pay the wages to the workmen. In the case of Man Pal Singh and Sita Ram Versus Food Corporation of India, there are documents on record to prove that this amount was given to M/s. Lakshmi and Party, Jakhal (Hissar) and in case of Mohan Lal Versus Food Corporation of India, the consolidated payment was made to Associate Security and Detectives. The management has also filed the attendance sheets containing the name of the workmen, which is duly verified by the officers/officials of Food Corporation of India for the purposes of making the payment good. It is true that the statement of contractor has not been recorded before this Tribunal, but it is not fatal because workman has not challenged the genuineness of the documents filed by the management of Food Corporation of India. Moreover, in Mohan Lal Versus Food Corporation of India it is admitted by the workman that he was working under the contractor. Prior to raising the industrial dispute, the workman preferred a Writ Petition before the Hon'ble High Court of Punjab and Haryana. A copy of Writ Petition is on record, which proves that the workman has made the contractor as respondent no. 4. The workman in this reference has not disclosed it that he made the contractor as respondent no. 4 in the Writ Petition filed before the Hon'ble High Court of Punjab and Haryana. It has only been narrated in one of the paragraphs of the statement of claim that he also preferred a writ in the High Court of Punjab and Haryana. It

shows that workman is also guilty of withholding and not disclosing this material fact before this Tribunal. Thus, in case of Mohan Lal it is also the admission of Mohan Lal that he was working under a contractor and in case of another reference in the case of Man Pal and Sita Ram, it is proved by the management of Food Corporation of India namely; Man Pal and Sita Ram were working not directly with the management of Food Corporation of India but their services were provided by a contractor namely M/s. Lachmi & Party Jakhal (Hissar). Thus in both of the references, the workmen are unable to prove that they were appointed/engaged by the management of Food Corporation of India, they were paid the wages by the management of Food Corporation of India and they were under the administrative control of the Food Corporation of India. Thus, none of the workmen can be said to be servant of Food Corporation of India and there existed no master-servant relationship between the management of Food Corporation of India and the workmen. Now the question arise what will be the effect if there is any violation of any provisions of Contract Labour (Regulation and Abolition) Act, 1970?

In GM, ONGC, Shilcher's case (supra) the conditions under which a contract can be treated a camouflage and shame are mentioned. Hon'ble Supreme Court of India in this case has relied upon the law laid down in Steel Authority of India Ltd. & Others Vs. National Union Water workers & Other AIR 2001 Supreme Court 3527(1). The question before this Tribunal is under what circumstances a contract between the management of Food Corporation of India and the workmen can be held to be shame and camouflage? In case the contract has been held to be shame or camouflage, the contract labour working in the management of the principal employment are held to be employees of principal employer himself. It depends on the facts and circumstances of each case whether the contract executed in between the management and the contractor is camouflage and shame. It is also a issue of facts and has to be decided on the basis of the facts and circumstances of each case. Whether there is a genuine contractor, and whether there is a proper master-servant relationship in between the management of Food Corporation of India and the workmen also depends on the facts and circumstances of the case. Likewise, whether they were directly under the administrative control of the Food Corporation of India and were paid wages directly by the management of Food Corporation of India also depends on the facts and circumstances of the case. The court has to look into whether these facts emerged in reality or there was some paper arrangement to make the payment good to the workmen through contractor.

In these references, it is not challenged by the workmen that contract is shame and camouflage. It is proved beyond doubt that the workmen were not appointed/engaged directly by the management of Food Corporation of India as per its rules and regulations. They were not under the administrative control of the Food Corporation

of India nor paid the wages directly by the Food Corporation of India. The only issue raised before this Tribunal is the nature of contract. None of the workman has specifically contended the contract as shame and camouflage. But unless and until the terms and conditions as laid down in GM, Silcher's case (supra) are not complied with, no workmen can be treated as the direct employee of the Food Corporation of India. Thus, I am of the view that such execution of contract shall not create a relationship of employer and employee between the workmen and the management of the Food Corporation of India.

The next issue for the disposal before this Tribunal is whether the workmen will be deemed to be in the services of the management of Food Corporation of India on account of violation of any of the provisions of Contract Labour (Regulation and Abolition), Act, 1970? It is issue of law and has limited concern with the facts. On the issue of facts, I have already given my view that the workmen are not employee of the management of Food Corporation of India but, their services were provided by the different contractors to the management. As this issue of law is also raised by the parties, it is the duty of this Tribunal to decide it as well. On this issue there may be three circumstances :—

- (1) There may be a case where the practice of contract labour is prohibited by the appropriate Government under Section 10(1) of the Contract Labour (Regulation and Abolition) Act, 1970.
- (2) There may be an issue regarding the registration of establishment of principal employer under Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970.
- (3) There may be an issue regarding the license by the contractor under Section 12 of Contract Labour (Regulation and Abolition) Act, 1970.

The issue to be decided whether in the case of violation of any of the provisions mentioned under Section 10(1), Section 7 and Section 12 of The Contract Labour (Regulation and Abolition) Act, 1970, the contract labour shall be deemed to be an employee of the principal employer.

This issue has been settled by Hon'ble the Apex Court in Steel Authority of India Ltd.'s case (supra). Moreover, Punjab and Haryana High Court in Food Corporation of India & others Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh & others 2008 LLR 391, has decided this issue after relying the ratio of Steel Authority of India Ltd., case (supra). Without mentioned the relevant paras of Steel Authority, of India Ltd., case (supra) and Food Corporation of India & others Vs. Presiding Officer, Central Government Industrial Tribunal cum-Labour Court case (supra), I am relying the ratio of both of the judgments, and the ratio of both of the judgment is that if there is any violation of Section 7, Section 10 and Section 12 of the Contract labour (Regulation and Abolition) Act, then only penal

provisions of Section 23 and Section 25 of the said Act are attracted. Hence, it is nowhere provided that such employees, employed through the contractor would become employees of the principal employer. I have gone through the facts and circumstances of the case. Almost in all the references the, registration and the license have been produced by the management of Food Corporation of India. It may only result in penal action under Section 23 and Section 25 of the Contract Labour (Regulation and Abolition) Act, 1970, if there is any violation of any provisions of the Contract labour (Regulation and Abolition) Act.

Accordingly, I am of the view that none of the workmen were the employees of the Food Corporation of India. There was no relationship of master and servant and employer-employee between the workmen and the management of Food Corporation of India. Thus, no question of termination of the services of the workmen by Food Corporation of India arises. Both of the references are accordingly answered. Workmen are not entitled to any relief. Let Central Government be approached for publication of Award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 2010

का.आ. 946.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एचएलएल लाईफ केयर लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरनाकुलम के पंचाट (संदर्भ संख्या 9/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2010 को प्राप्त हुआ था।

[सं. एल-42011/55/2009-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th March, 2010

S. O. 946.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relations to the management of HLL Life Care Limited and their workmen, which was received by the Central Government on 18-03-2010.

[No. L-42011/55/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri. P.L. Norbert, B.A., LL.B., Presiding Officer  
(Monday the 8th day of March, 2010/17th Falguna 1931)

#### I.D.9/2010

#### Unions :

1. The Secretary, Hindustan Latex Workmen's Congress, C/o. HLL Life Care Ltd., P.B.No.2, Peroorkada, Thiruvananthapuram-695 005.
2. The General Secretary, Hindustan Latex Employee's Union (CITU), C/o. HLL Life Care Ltd., P.B.No.2, Peroorkada, Thiruvananthapuram-695 005.
3. The General Secretary, Hindustan Latex Labour Union (AITUC), C/o. HLL Lifecare Ltd., P.B.No.2, Peroorkada, Thiruvananthapuram - 695 005.

#### Management :

The Managing Director,  
HLL Life Care Limited, P.B.No.2,  
Peroorkada, Thiruvananthapuram - 695 005.

By Adv. Sri. S. Ajith.

This case coming up for hearing on 08-03-2010, this Tribunal-cum-Labour Court on the same day passed the following.

#### AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act. The dispute relates to non payment of overtime allowance to the employees.

2. When the matter came up for hearing a memo was filed by the counsel for the management to the effect that the dispute is amicably settled out of court by the parties and hence no adjudication of dispute is required. A minutes of the settlement arrived at between management and the trade unions is also produced. As per the settlement the management has agreed to pay overtime allowance eligible workers.

In the result an award is passed holding that, in view of the settlement between the parties whereby the management has agreed to pay overtime allowance to eligible workers, there is no existing dispute for adjudication and the reference is closed as settled.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her corrected and passed by me on this the 8th day of March, 2010.

P. L. NORBERT Presiding Officer

नई दिल्ली, 22 मार्च, 2010

का. आ. 947.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाईफ इन्सोरेन्स कारपोरेशन आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2 मुम्बई के पंचाट (संदर्भ संख्या (2/41/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/25/2004-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd March, 2010

S. O. 947.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/41/2005) of the Central Government Industrial Tribunal-cum-Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the management of Life Insurance Corporation of India, and their workman, which was received by the Central Government on 22-03-2010.

[No. L-12012/25/2004-IR(B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

**PRESENT**

A.A.LAD, Presiding Officer

**Reference No. CGIT-2/41 of 2005**

Employers in relation to the management of Life Insurance Corporation of India.

The Senior Divisional Manager,  
Life Insurance Corporation of India  
Divisional Office-II,  
112, Sion Koliwada Road,  
Sion, Mumbai-400022.

First Party

**Versus**

Their Workman  
The General Secretary,  
Insurance Employees' Union,  
88/112, Sion Koliwada Road,  
Sion, Mumbai-400022.

Second Party

**APPEARANCE**

For the Employer: Ms.A.A.Sakpal & Ms.F.D.Lewis,  
Representatives

For the Workman: Shri C.S. Dalvi, Representative.

Date of reserving the Award I: 10-2-2010.

Date of passing the Award I: 18-2-2010.

**AWARD-I**

1. The Government of India, Ministry of Labour by its Order No.L-12012/25/2004-IR(B-I) dated 29th December, 2004 in exercise of the powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Life Insurance Corporation of India, MDO-II, Mumbai by removal from the services of Shri M.L. Manikade, HGA, w.e.f. 30-12-1997 is justified? If not, what relief Shri M.L. Manikade is entitled to?"

2. Claim Statement is filed by the General Secretary of the Insurance Employees Union, Sion (renamed as Ayurvima Karamchari Sanghatana-Mumbai Division Office) at Exhibit 5 making out the case that, the 2nd Party concerned workman Shri M.L. Manikade, was first appointed as an Assistant in class III Cadre at MDO-I on 2-5-1990. It is stated that, subsequently he was promoted as HGA considering the seniority, merit, confidential reports and his performance in the interview. It is case of the Union that, on 10-4-1997 the said Manikade by his letter informed the Branch Office about his mother's sickness and requested the Branch Authority where he was serving to grant him privilege leave from 7-4-1997. It is stated that, the said letter was claimed to have not been received by the Branch. It is stated that, by telegram dated 24th April, 1997 he informed the Branch Office about his inability to report on duty due to sickness of his mother and also informed Branch Office that there was nobody to look after his ailing mother and requested Branch Office to grant him privilege leave from 7-4-1997. It is case of the Union that, the Chembur Branch Office granted P.L. to the concerned workman and his salary for the said month was also drawn considering above request but the concerned workman unable to collect it due to sickness of his mother, whom he could not leave alone, as no body was there in the house to look after his sick mother which later on was cancelled by the Branch Office. It is stated that, he informed the Branch Office that, he will report for his duties on 2-5-1997. It is stated that, the concerned workman wrote a letters to the Senior Divisional Manager- MDO II on 21-11-2000 and requested the Competent Authority to send him all letters at his new address at 4/369/4369, Tagore Nagar, Vikhroli (East), Mumbai-400083. It is the case of the Union that, said communication was received by the Divisional Office. It is further stated that, the concerned workman wrote letter dated 30-7-2001 to the Senior Divisional Manager, MDO II, Sion, and requested the Competent Authority to reinstate him in the services of the Corporation. It is case of the Union that, he also informed the Divisional Officer about his sickness and the treatment taken by him from Dr. Sanjay

Kumawat, Psychiatrist from 30-4-1997 to 14-11-2000. It is case of the Union that, even he sent medical certificate to that effect with the said letter which was received by the Divisional Office. It is case of the Union that, he appealed on 28th September, 2001 to the Zonal Manager, Western Zone on conviction given on alleged finding of alleged enquiry where he was held guilty of the charge of absenteeism. It is case of the Union that, said was rejected. It is case of the Union that, the workman sent a Memorial to the Chairman of L.I.C of India, Central Office on 30-10-2002 enclosing therewith medical certificates and treatment sheets. It is case of the Union that, however, it was not considered by his office treating it as time barred. It is case of the Union that by registered AD letter dated 3-2-2003 he wrote to the chairman of Life Insurance Corporation of India requesting him to reconsider his Memorial dated 30-10-2002. It is case of the Union that, again he wrote a letter on 25-3-2003 to the Chairman for reconsideration of his Memorial dated 30-10-2002. It is case of the Union that, the said workman received a letter dated 5-4-2003 sent by MDO-II by which it was informed that, the Memorial sent by the concerned workman was time barred and cannot be considered. It is case of the Union that, by the said correspondence MDO-II, Sion, informed that, 2nd Party need not make correspondence on the said subject and informed that, Memorial sent by him to the Chairman had been disposed off since those were time barred. It is case of the Union that, in the charge sheet dated 2-7-1997 about absenteeism earlier charge sheet dated 26-4-1997 for his absenteeism from 17-2-1997 to 21-3-1997 was also referred. It is stated by the Union that, on 6-12-1997 Disciplinary Authority served show cause notice on the concerned workman proposing his removal from the services of the Corporation and by final order dated 30-12-1997 he was removed from the services treating his absence from 7-4-1997 to 30-12-1997 i.e. 286 days as 'dies non' while taking action against the concerned workman of dismissal. It is case of the Union that, the correspondence referred above reveals that, the decision taken by Corporation is nothing but shows that, these actions are taken to victimize the workman and it is illegal as well as bad in law. It is further stated that, the demand set out and incorporated in the reference order itself and it is annulment of the action of removal and another action of treatment of his period of absence as dies non are illegal. It is case of the Union that, after joining the Corporation concerned workman after due process of competitive selection achieved the promotion and reached upto the stage of Higher Grade Assistant. It is case of the Union that disciplinary action taken by the Disciplinary Authority was taken on enquiry conducted by Smt. S.H. Korke. It is case of the union that, the said enquiry was ex-parte. It is case of the Union that, no opportunity was given to the concerned workman to participate in the enquiry. It is case of the Union that, there was no document before the Enquiry Officer and that even no evidence of any type was recorded by the Enquiry Officer to conclude the charge

of absenteeism. It is case of the Union that, the said enquiry was sham, bogus and was a farce or show made by the Enquiry Officer just to oblige her officers. It is case of the Union that, said workman was mentally disturbed person due to sickness of his mother and unable to attend the duty as well as office and said facts were well within the knowledge of the Management. It is case of the Union that, the Presenting Officer did not produce any evidence and document before the Enquiry officer nor he presented his case for the purpose of enquiry. It is case of the Union that, there was no any proceeding as such held in terms of the rules of the enquiry and Presenting Officer did not examine any one during the enquiry and nothing was recorded by the Inquiry Officer. It is case of the Union that, the Enquiry officer did not bother to know as to why documents the concerned workman has given to the office and on what basis she is going to give decision on the charges leveled against the concerned workman. It is case of the Union that, there was no written or oral arguments submitted before the Enquiry officer by the Presenting Officer. It is case of the Union that, It is simply ex-parte decision. It is case of the Union that, the Enquiry Officer had given go bye to the rules of the enquiry. It is case of the Union that nothing was mentioned about his conduct and behaviour and even about leave record of the concerned workman. It is case of the Union that, the said enquiry was sham show and which was nothing but utter face with a view to ultimately remove the concerned workman from the employment. It is case of the Union that, show cause notice speaks about the abandonment of job attracting breach of Regulation 39 of the Regulations 1960 on which he was removed by penalizing him under Regulation 39(1)(a) to (g). According to Union no consideration was given to meaning of abandonment as per ruling given by the Apex Court by the Enquiry Officer or by the Competent Authority while punishing the concerned workman. It is the case of the Union that, since the concerned workman was mentally disturbed person and was not in apposition to couple up with the charges leveled could not attend the enquiry and face it since he was not aware of the alleged inquiry going on. It is case of the Union that, action taken of removal was based on the order dated 30-12-1997 and is on the wrong basis since finding given by the Inquiry officer is not on merits and by discussing evidence of any type which was not on record. It is case of the Union that, in this situation it is case of the Union that 2nd Party workman is required to be reinstated with back wages and continuity of service by quashing and setting aside the order of removal from the employment of the 1st Party. It is the case of the Union that, the enquiry regarding his absenteeism is not fair. Proper and was not done by following principles of natural justice. It is case of the Union that, such an enquiry be declared as not an enquiry and 1st party should not be permitted to act upon such a faulty enquiry with directions to it to reinstate the concerned workman with benefit of back wages and continuity of service.



3. This is disputed by the 1st Party by filing Written statement of Exhibit 6 stating and contending that, 1st Party Corporation is a Body Corporate establishment under Section 3 of Life Insurance Corporation Act, 1956 (which will be hereinafter called as the "Act") with perpetual recognition and a common seal, and can hold and dispose off property and can by its name sue and be sued. It is case of the 1st Party that, Section 7 of the Act provides for the transfer to and vesting in the Corporation of all the assets and liabilities of the controlled business (i.e. Life Insurance Business) of all the Insurers. It is case of the 1st Party that, Section 11 (1) of the Act provides for the transfer to the Corporation of the services of the whole time salaries employees of the insurance whose controlled business stood transferred and vested in the Corporation. It is case of the 1st Party that, Section 23(1) of the LIC Act empowers the Corporation to employ such number of persons as it thinks fit to enable it to discharge its function under the Act. It is case of the 1st Party that, the staff of the Corporation, therefore, consists of the transferred employees and those employed by it under Section 23(1) of the Act. It is case of the 1st party that, Section 48 of the Act empowers the Central Government to make rules to carry out the purposes of the Act. It is case of the 1st party that, Section 49 (1) of the Act, before its amendment in the year 1981, empowers the Corporation to make the regulations, with the previous approval of the Central Government which require to make by notification in the Gazzete, providing for, among others, the terms and conditions of service of the employees of the corporation. It is case of the Corporation that, accordingly 1st Party made Regulations known as Life Insurance Corporation of India (Staff) Regulations, 1960 (which will be hereinafter referred as the "Staff Regulations"). It is contended by the 1st Party that, staff Regulations are statutory and bind the employees of the Corporation as any other law made by the legislature. It is case of the 1st Party that, the Regulations and other provisions relating to the terms and conditions of the service of the employees shall be deemed to be rules made by the Central Government under Section 48 of the Act. It is case of the 1st Party that, the said Rules shall have effect, notwithstanding, among others, the provisions of the Industrial Disputes Act, 1947. It is case of the 1st Party that, the said staff Regulations shall prevail above the Industrial Disputes Act, 1947. It is case of the 1st Party that, it has powers to make regulations to fix the terms and conditions of the employees serving with it. It is case of the 1st party that, Chapter V of the staff Regulations deals with "Holidays and Leave" of the employees. It is case of the 1st Party that, Regulation 61 in the said Chapter deals with the general conditions governing grant of leave and stipulates among other that leave can not be claimed as a matter of right and that the competent authority may in the emergencies of the situations, either refuse leave or revoke the leave already granted. It is case of the 1st Party that, an employee who remains absent after the end of his leave is

not only not entitled to any leave salary but also renders himself liable for disciplinary action. It is case of the 1st Party that, sanction of leave may not be presumed and leave asked for should not be avail of unless it has been specifically sanction. It is case of the 1st Party that, an employee shall not absent himself from his duties without having obtained the permission as per Regulation 30(1) of the staff Regulations and provided that, in case of unforeseen emergency an employee may be allowed to avail of one day's casual leave without prior sanction subject to the condition that, the competent authority is promptly intimated of the circumstances in which prior sanction could not be obtained. It is case of the 1st Party that, Chapter III of the staff Regulation deals with "Conduct, Discipline and Appeals". It is case of the 1st Party that, Regulation 39 deals with the conduct of disciplinary proceeding and Sub-regulation (1) deals with that penalties that may be imposed on an employee who among others, does anything conflicting with the instructions, or who commits a breach of the Staff Regulations or of discipline or is guilty of any other act prejudicial to good conduct. It is case of the 1st Party that, Sub-Regulation (2) of Regulation 39 requires the Disciplinary Authority to communicate the charges in writing to the accused and give him an opportunity of defending himself against such charge and of showing cause against the action proposed to be taken against him. It is case of the 1st Party that, Sub-Regulation (3) of Regulation 39 stipulates that, in respect of the charges which are not admitted by the concerned workman who is going to face the enquiry, the Enquiry Officer appointed to conduct an enquiry may conduct enquiry by issuing charge sheet. It is case of the 1st Party that Regulation 39 is a self contained code for initiating and conducting disciplinary proceeding against the such an employee and for imposing one or more penalties given in Clauses (a) to (g).

4. It is case of the 1st Party that, employee involved in the present case viz. Malikarjun Laxman Manikade was an Higher Grade Assistant which is Class III post and next to Class I post so invested with supervisory powers. It is case of the 1st Party that, the concerned workman Shri Manikade remained absent from his duties from 7-4-1997 continuously and after waiting for more than 17 days it received a telegram informing about the alleged sickness of his mother. It is case of the 1st Party that, it also received a letter dated 25-4-1997 on 30-4-1997, in which he promised to join his duties on 2-5-1997. It is case of the 1st Party that, though the concerned workman Manikade promised to report on duty on 2-5-1997 he neither reported for duty not sent any intimation regarding his further absence. It is case of the 1st Party that, after waiting for a month for the concerned workman Manikade to resume his duties as promised a registered letter dated 3-6-1997 was sent to him advising him to report for duty immediately which came back with postal endorment "not claimed". It is case of the 1st Party that, in view of the continuous absence of the concerned workman Manikade a charge sheet dated

2-7-1997 was issued to the concerned workman which was also received back with postal remark as "Not claimed". It is case of the 1st Party that, hence the charge sheet was displayed on the Notice Board of both the Divisional and Branch Offices. It is case of the 1st Party that, enquiry was commenced against the concerned workman and notices were issued to him by the Enquiry Officer on 8-10-1997, 7-11-1997 and 18-1-1998 on all the 3 addresses of the concerned workman which were returned by the postal authorities with remarks "Left", "Not known" and "Not claimed". It is also case of the 1st party that, the said notices were also displayed on the notice Board of the Divisional and Branch Offices. It is case of the 1st Party that, though the hearing were fixed on 22-10-1997, 18-11-1997 and 28-11-1997 the concerned workman did not appear on those dates for the enquiry which left no option for the Enquiry Officer but to proceed ex-parte. It is case of the 1st Party that, on 6-12-1997 show-cause notice was issued, to the concerned workman, based on the finding given by the Enquiry Officer proposing imposition of the penalty of his removal from the services. It is case of the 1st party that, the said notice which was sent by Registered A.D. was also returned undelivered by the postal authorities. It is case of the 1st Party that, the said show-cause notice was displayed on the Notice Board of both the Divisional and Branch office. It is case of the 1st Party that, since the concerned workman failed to reply to the show-cause notice within the stipulated period of 15 days the Disciplinary Authority passed the final order imposing the penalty of removal from services and treating his absence as "Dies Non" on 30-12-1997 of which copy was sent to the concerned employees on all his 3 addresses of Airoli, Neral and Akkalkot which were also returned by the postal authorities with remarks "Not known", "Left" and "Not claimed" respectively. It is case of the 1st Party that, nearly after 4 years after the concerned workman was removed from services he appealed on 28-9-2001 which was rejected on 29-12-2001. Even his second appeal made on 30-10-2002 was also rejected on account of delay.

5. It is case of the 1st Party that, even his previous record was not satisfactory. Initially, charge sheet dated 26-4-1997 for his unauthorized absence from 17-12-1997 to 21-3-1997 was served upon the concerned workman. It is case of the 1st party that, on that, he neither replied the charge sheet nor attended enquiry and the enquiry proceedings were conducted ex-parte and the penalty of reduction in basic pay by three stages was imposed upon the concerned workman. It is case of the 1st Party that, the concerned workman was Censured vide order dated 21-3-1994 for his unauthorized absenteeism from 31-12-1993 to 9-2-1994 and his absence for the said period was treated as "dies non". It is case of the 1st Party that, he was warned about his absenteeism by letters dated 7-6-1991, 12-6-1991, 9-8-1991, 25-11-1991 and 15-3-1991. It is case of the 1st Party that, since past record of the concerned workman was not

satisfactory as it reveals that he has habit of remaining absent unauthorisedly, the punishment of termination was imposed upon the concerned workman and it is just, proper and does not require any interference. Further it is the case of the 1st Party that, the present dispute is highly belated which is time barred and does not require to be considered. It is case of the 1st Party that, the order imposing the penalty of removal is challenged after about 4 years which cannot be considered. It is case of the 1st party that, since the dispute is raised at belated stage does not require to be considered. So it is prayed that, prayer prayed by the Union for 2nd Party concerned workman does not require to consider and deserves to be rejected.

6. Rejoinder is filed by the representative of the Union at Exhibit 7 making out the case that, the Written Statement filed by the 1st Party is not admitted to it. It is stated that, the contentions taken by the 1st Party in the Written Statement are not admitted and denied by the Union. It is stated that, the Regulation 39 is not a self-contained Code as claimed by the 1st Party. It is stated that, the principles of natural justice were not followed while holding inquiry and imposing punishment of removal on the concerned workman. It is case of the Union that, concerned workman remained absent because of sickness of his mother. It is case of the Union that, he intimated that fact to the LIC, even said is admitted by the LIC which reveals that, he made known the reason behind his absenteeism, and it cannot be created that, he remained absent without intimation. It is denied that, the concerned workman remained absent for 17 days without intimation and unauthorisedly as he sent a telegram. It is stated by the Union that, after attending his sick mother he fell sick and went into depression after he lost her and then he lost his mental balance. Even it is case of the Union that, he lost his mental balance and lost rest for life and became unattentive during that period. It is case of the Union that, he was treated by Dr. Sanjay Kumawat and was under his treatment from 30-4-1997 to 14-11-2000. It is case of the Union that, due to his indifferent health and incessant medication, the concerned workman was unable to contact 1st party and unable to know what was going on about his absenteeism after the death of his mother and even he did not receive any communication from his office about alleged developments which took place during absence. It is stated by The Union that, the enquiry proceeding is faulty and was not conducted by following principles of natural justice. It is case of the Union that the concerned workman did not get opportunity to make out his case. It is denied that, the concerned workman is at fault and deserves punishment of removal.

7. In view of the above pleadings Issues were framed at Exhibit 10. Out of those, Issues No. 1 to 4 were treated as preliminary issues which were decided by passing Award I on one occasion on 27-9-2007 and again on second occasion on 6-3-2009.

8. Part I Award was challenged by 1st Party before Hon'ble Bombay High Court where this Tribunal observed enquiry not fair and proper and finding perverse on which our Hon'ble High Court while disposing off Writ Petition No. 1239 of 2008 by order dated 16th June, 2008 remanded back the Issue of fairness of enquiry and perversity of the finding for fresh trial directing this Tribunal to consider Staff Regulation of the Life Insurance Corporation of India and decide issue of fairness of enquiry and perversity of it. On that this Tribunal passed Part-I Award again on 6-3-2009 observing enquiry not fair and proper and finding perverse which was again remanded back by order in Writ Petition No. 1843 of 2009 observing that, this Tribunal reserved the Reference on 1-9-2008 and actually decided it nearly after 6 months i.e. on 6-3-2009 and by the said order directed this Tribunal to give due regard to the directions contained in paragraphs 22 to 25 of the judgment passed by Ld. Single Judge of our Hon'ble High Court in Writ Petition No. 1239 of 2007 and insisted dispose off the said Reference by all means within three months from the receipt of the order.

9. As a result of that, this Reference is in this Tribunal again on the point of fairness of the enquiry and perversity of the findings.

10. So now Issue of fairness of enquiry and perversity of the finding are taken up for consideration which were issue No. 3 and 4 in Exhibit 10 which are as follows and I answer those as follows:

ISSUE:	FINDING
3. Is enquiry fair and proper?	No
4. Is finding perverse?	Yes

#### REASONS:

#### ISSUES NOS. 3 & 4:

11. I am deciding fairness of enquiry and perversity of finding third time. Initially I observed enquiry not fair and proper and finding perverse by passing Part I Award on 27-9-2007 which was challenged by 1st Party by filing Writ Petition No. 1239 of 2008 while disposing off the said Writ Petition Hon'ble High Court Bombay remanded the said issue to decide afresh and on that I again decided those Issues on 6-3-2009. Again said was challenged by 1st Party by filing Writ Petition No. 1843 of 2009 in which same issues are again sent back for fresh decision directing this Tribunal to dispose off those 2 issues and observed that, in any event if this Tribunal comes to the conclusion that, the enquiry is fair and proper and finding not perverse it shall give an opportunity to 1st Party to lead evidence. However, as far as evidence on this issue is concerned, High Court did not disturb the directions given by the Single Bench of Hon'ble High Court, Bombay while disposing off the Writ Petition No. 1239 of 2008 where it was directed to Tribunal to proceed on the basis of available material and both sides would have no opportunity now to lead any evidence. So the evidence before this Tribunal on these issues is lead by the concerned.

12. It will not be out of place to mention that, these two parties referred to their written submission which they have filed i.e. by 2nd party at Exhibit 19 and by 1st Party at Exhibit 20 respectively on 7th June, 2007. By filing purshisat exhibits 29 and 45 1st Party gave clear indication that, it do not want to argue fresh and ask to rely on arguments submitted at Exhibit 20. Same is followed by 2nd party by filing purshisat Exhibit 44.

13. The case made out by the 2nd Party is that, he was initially posted as an Assistant in class III cadre at MDO-I on 12-5-1990 and subsequently promoted as Higher Grade Assistant. It is his case that, by letter dated 10-4-1997 he informed Branch office, where he was working, about sickness of his mother and requested Branch Authority to grant him Privilege Leave from 7-4-1997. It is his case that, that said letter was served on 1st Party. He further alleges that, he sent telegram on 24-4-1997 and informed Branch office that, he cannot attend the office due to his mother's illness and also informed Branch office that, there was nobody to look after his mother except he himself and requested Branch office to grant him privilege leave from 7-4-1997. According to him Chembur Branch granted his privilege leave by considering his request, however, he could not collect the salary of April, 1997 which later on was cancelled by the Branch office. It is the case of the Union that, thereafter 2nd Party Workman became sick and mentally disturbed. He was taking treatment of Psychiatrist and more Particularly from Dr. Sanjay Kumawat and was under his treatment from 30th April, 1997 to 14-11-2010. Even he alleges that, he sent medical certificate to the Divisional office. According to Union he was not aware of the enquiry nor aware of the decision taken of the 1st party about his removal from the employment. It is case of the Union that, no opportunity was given to 2nd Party workman to participate in the enquiry and to place his case and explain about his absenteeism. According to Union enquiry was not fair and proper and finding is perverse. Whereas case of the 1st Party is that the 2nd Party concerned workman remained to unauthorisedly absent. He did not bother to take note of correspondence sent by 1st Party on number of occasions. It is case of the 1st party that, even correspondence was returned unserved though it was send on 3 different addresses i.e. at two addresses of Mumbai and one address of Akkalkot, Dist. Sholapur which was available with it. It is case of Management that, said were displayed on the Notice Board as per Staff Regulations and enquiry was proceeded and concluded noting that, 2nd Party has not participated in the enquiry. According to 1st party, full opportunity was given to the 2nd Party to participate in the enquiry still he did not turn up and participate in the enquiry and help the Enquiry Officer to give finding. According to 1st Party, charge levelled against the concerned workman was proved and as per the Staff regulations, conviction of removal from services was suggested and was implemented which is just and proper.

14. Now, at present we are on the point of fairness of enquiry and perversity of the finding.

15. According to 2nd Party enquiry is not fair, proper and finding perverse Whereas case of the 1st Party is that, enquiry is fair and proper and finding not perverse..

16. Now, let us see what are the charges leveled against the concerned workman? We find the documents produced by both i.e. by 2nd Party with list at exhibit 8 and by 1st party with list at Exhibit 11. At page 80 of Exhibit 11 documents produced by the Management we find there is a charge sheet. In the said charge sheet Disciplinary Authority, Senior Divisional Manager, in writing informed the concerned workman, by the said charge sheet, that, he remained absent from duty from 7-4-1997 onwards in unauthorized manner without prior intimation to the office or without getting leave sanctioned prior to proceeding on leave and has committed breach of discipline and acted in a manner highly prejudicial to good conduct and violative of the provisions of Regulations 21, 30(1), 61 r/w Regulation 39(1) of Life Insurance Corporation of India Staff Regulation, 1960 for which penalty spelt out in Regulation 39(1) (b) to (g) could be imposed. As far as these allegations are concerned regarding committing an offence under Rule 39 (1) of LIC Staff Regulations and punishment available under Staff rule 39(1) (a) to (g) is that, an employee who commits breach of the Regulation/ Rules of the Corporation shall be punished by awarding punishment of (a) Censure, (b) withholding of one or more increments, (c) recovery from pay....., (d) reduction to lower service or post .... (e) compulsory retirement, (f) removal from service and (g) dismissal. The copy of Staff rules are produced at page 1 to 65 of Exhibit 11. In Rule 39(2) of Staff Regulation, it is mentioned that, no order of imposing on an employee any of the penalties specified in Clauses (b) to (g) of sub-regulation (1) shall be passed by Disciplinary Authority without charge or charges being communicated to him in writing and without his having been given reasonable opportunity to defend himself against such a charge or charges and of showing show cause notice against the action proposed to be taken against him. That means punishment under Regulation 39(1)(b) to (g) cannot be given unless charge sheet is served and reasonable opportunity of defending himself against such a charge is given. Besides in the Explanation (1) to Regulation 39 it is mentioned that, for the purpose of this Regulation, an employee shall be deemed to have abandoned his post if he absent himself from duty without leave or over stays his leave for a continuous period of more than 90 days without any intimation thereof in writing. It means that, if he give intimation and if he did not absent for more than 90 days, then charge of abandonment cannot be leveled against such an employee as per the Explanation-1 of Staff Regulations 1960. Here as stated above in the charge sheet in para-2 of the charge sheet it is mentioned that, the concerned workman remained absent from duty from 7-4-1997 onwards. It is to be noted that, this charge sheet was issued to the concerned workman on 2-7-1997. That means at the most absentee for the purpose of this charge sheet must be read absence from 7-4-1997 to 2-7-1997. If we calculate the absenteeism of the concerned workman between 7-4-1997 to 2-7-1997 i.e. the date of issue of the charge sheet, from 7-4-1997 i.e. date from where he was absent we find his absenteeism is at the most of 86 days.

So this absenteeism of 86 days technically speaking does not qualify to be 1st party to treat, that he abandoned the job or does not permit the management to level charge of abandonment of job. Besides in para-3 and 4 of the charge sheet produced at page 80 with Exhibit 11 where Management admit that, it received telegram from the concerned workman on 24-4-1997 and letter on 30-4-1997 dated 23-4-1997 informing that his mother is sick and he is alone in the house, nobody is there to look after her and he will resume on duty on 2-5-1997. Even said correspondence is produced by the Management with list at Exhibit 11 at pages 68, 69 and 70. Even perusal of these pages reveal that, 2nd Party is absent from 7-4-1997 mentioning reason of sickness of his mother. Even on the said page which is Xerox copy of the telegram, there is remark of the 1st party regarding receipt of the office for necessary action. When 1st party admit that, there was an intimation from the concerned workman and when correspondence to that effect is produced even by 1st Party at pages 68 and 69 of Exhibit 11, in my considered view charge of absenteeism without prior intimation to the office does not stand and that it did not apply, when particularly he request to sanction leave. On the contrary perusal of the said correspondence reveals that, he intimated reason of absenteeism and requested for sanction of leave from 7-4-1997. When that is there in my considered view charge of "absenteeism" without prior intimation does not stand. Moreover charge of abandonment of job which require absenteeism of 90 days as per Explanation 1 of Rule 39 of Staff Regulation Rules does not stand against the concerned workman since he remained absent for 86 days till Charge Sheet was issued i.e. till 2-7-1997 from 7-4-1997. For abandonment of job 90 days absenteeism is required and this absenteeism technically speaking cannot be treated as absenteeism of 90 days to qualify said absenteeism as abandonment of job.

17. Even in the finding we find it is wrong one about absenteeism. Copy of the finding of the Enquiry Committee is filed at page 96 of Exhibit 11. In the said finding Enquiry Officer referred notices sent to the concerned workman of enquiry and in last paragraph concluded that, concerned workman is guilty of remaining absent continuously for more than 90 days at a stretch without any intimation in writing and observed that, he has abandoned his job as per explanation of Staff Regulation 39. However, as stated above explanation No. 1 of Rule 39 expect absenteeism of 90 days to treat said absenteeism as abandonment of job. However, actually till giving notice dated 2-7-1997 absenteeism from 7-4-1997 we find, concerned workman technically remained absent for 86 days and not for 90 days to attract the charge of abandonment of job as per Explanation(1) of Regulation 39(4)(iii) of Staff Regulation. Besides the Enquiry Officer observed concerned workman continuously absent for more than 90 days whereas actual charges which is referred above, is of absenteeism from 7-4-1997 to 2-7-1997, since charge sheet was given on 2-7-1997. So in my considered view Enquiry officer cannot travel about absenteeism of the concerned workman beyond 2-7-1997 as on that date charge sheet was given. By said charge sheet charge of absenteeism is framed of absenteeism between 7-4-1997 to 2-7-1997 and not beyond that. However, finding of the Enquiry Officer reveals that,

he travelled beyond the date of charge and beyond the jurisdiction which was given to the Enquiry Officer by said charge sheet to conduct an enquiry about absenteeism which was between 7-4-1997 to 2-7-1997.

18. Moreover, Disciplinary Authority punished the concerned workman by awarding punishment of removal accepting the finding given by the Enquiry Officer that, the concerned workman remained absent continuously from 7-4-1997. Actually Enquiry was conducted by the Enquiry Officer as per charge sheet dated 2-7-1997 leveling charge of absenteeism from 7-4-1997 to 2-7-1997. So even Competent Authority cannot punish the concerned workman treating that he is continuous absent and for his continuous absenteeism from 7-4-1997. There is copy of the order filed at page 171 of Exhibit 11. Page 172 is the Second page of the said order where it is observed by the Divisional Manager who is the Disciplinary Authority that, the concerned workman remained absent from 7-4-1997 for 268 days. That means firstly Enquiry Officer conducted enquiry about absenteeism of the concerned workman from 7-4-1997 till the date of the order i.e. till 28-11-1997 which does not permit Enquiry Officer to travel regarding absenteeism of the concerned workman beyond 2-7-1997 because on that date, charge sheet was given. However, Sr. Divisional Manager who is the Disciplinary Authority punished the concerned workman regarding his absenteeism of 268 days treating his absence from 7-4-1997 continuously and treated it as a "Dies-non". So the punishment given regarding 268 days of absenteeism is not as per charge sheet or as per charges levelled and alleged inquiry conducted. Besides finding given by the Enquiry Officer is also not as per charge sheet as per charges levelled against the concerned workman regarding his absenteeism from 7-4-1997 to 2-7-1997.

19. Much capital is made of the Staff Regulations. One copy of the Staff Regulations 1960 is produced by the Management at pages 1 to 65 with Exhibit 11 and the relevant portion by the concerned workman, with list at Exhibit 8 at pages 3D and 3E. As per said Staff Regulations (actually most of the portion is not readable and 1st Party has not taken care to produce readable copy of the Staff Regulations. However, since Staff Regulations rules are referred at many places and much capital of it is made by the 1st Party at all levels, at this juncture I have no option but to try to read Staff Regulation rules as produced by the 1st Party). Said staff rules, as far as, this case is concerned, Rule 21 is referred which expect from the employee of the Corporation to maintain absolute integrity and devotion to duty. Then Rule 39 of Staff Regulation is refer to the present case which is regarding penalties. As per said rule 1 of Rule 39 is concerned it is regarding penalties as mentioned from 39(1) (a) to (g) said penalties can be imposed on the erred employee for good and sufficient reasons. Here as per Rule 39(1) penalty is mentioned under Rule 39(1)(a) to (g) if decided to give, as per said rule, Management must have good and sufficient reasons. Said punishment are in the form of (a) Censure, (b) withholding of one or more increment, (c) recovery from pay ....., (d) reduction to lower

service or post.... (e) compulsory retirement, (f) removal from service and (g) dismissal. Besides as per Rule 39(2) of Staff Regulation, it is mentioned that, no order of imposing on an employee any of the penalties specified in Clauses (b) to (g) of sub-rule (1) of Regulation 39 shall be passed by Disciplinary Authority specified in Schedule, without charge or charges being communicated to him in writing and without his having been given reasonable opportunity to defend himself against such charge or charges and of showing show cause against the action proposed to taken against him. Beside as per Rule 39(3) Disciplinary Authority empowered to imposed any of the penalties given from (b) to (g) of Rule 39(1) of Staff Regulation rules, for which it shall itself enquire into such of the charges as are not admitted or it considers necessary so to do, appoint a board of enquiry or an enquiry officer for the purpose. As per rule 39(4) (i) where a penalty is imposed on an employee on the grounds of conduct which had led to a conviction on a criminal charge; or (ii) where the authority concerned is satisfied for reasons to be recorded in writing, if it is not necessary or practicable to follow the procedure prescribed in this regulation; or (iii) where an employee has abandoned his post, the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit. Then there is an Explanation to Rule 39 in the form of Explanation (1) and (2) which content as per Explanation (1) for the purpose of this Regulation, an employee shall be deemed to have abandoned his post if he absent himself from duty without leave or over stays his leave for a continuous period of more than 90 days without any intimation there of in writing. Explanation 2 of Rule 39 says that, all communications under this regulation and copies of the orders passed there under may be delivered personally to the employee if he is attending office; otherwise they shall be sent by registered post to the address noted in the service record. Said Explanation further states that, where such communication or copies of orders cannot be served on him personally or by registered post, copies there of shall be affixed on the notice board of the office in which the employee is employed and on such affixing, such communications and orders shall be deemed to have been properly served on him.

20. So if we consider Explanation 1 and 2 of Rule 39 it expect that, communication must be served personally on the erred employee and if not it be sent by registered post. Here 1st Party try to say that, it sent communication by registered post but it returned with remarks 'unclaimed', 'not found' and 'not known'. As observed on number of occasions no witness is examined on this point by the Management to show that, actually all these exercise were followed while serving the communication on the concerned workman as expected. No evidence of any type is produced except xerox copies of the envelopes and Xerox copies of remarks of the postal authorities on it nothing is stated. Whether that is sufficient to conclude that all exercise were followed by Management before proceeding and convicting him? Enquiry Officer has not recorded evidence of any of the witnesses who tried to serve such correspondence personally on the concerned workman as

expected under Explanation 2 of Rule 39 or who displayed such notices on the Notice Board or examined any witness from the postal authorities who passed remarks on the envelopes of "not claimed", "not found" or 'not known'. No any type of evidence is recorded by the Enquiry Officer as expected regarding service of communication on the concerned workman as per Explanation 1 and 2 of Staff Regulation. Besides as stated above charge of abandonment require 90 days continuous absensee. Here expressly word is used 90 days continuous absensee that too without intimation thereof. Here admittedly intimation was given. He send letters and telegram and it is admitted serve on Management. Besides from 7-4-1997 to 2-7-1997 the date of issuing charge sheet he is not absent for 90 days continuously as it comes to 86 days. It means admittedly concerned workman was not absent continuously for 90 days when charge sheet was served. As referred on number of occasions concerned workman remained absent from 7-4-1997 and charge sheet was given on 2-7-1997. So the period from 7-4-1997 to 2-7-1997 does not come to 90 days to attract the charge of abandonment of job of 90 days continuously. Besides as referred on number of occasions Enquiry Officer in her finding hold him guilty of remaining absent continuously for more than 90 days at a stretch without any intimation which is also wrong one. As intimation was given by him of absenteeism referring sickness of his mother. Besides competent authority who punished the concerned workman held him guilty of the charge of absenteeism of abandonment of post from 7-4-1997 to the date of this order. That means Competent Authority punished concerned workman counting his absenteeism from 7-4-1997 to 30-12-1997 as on that, date Sr. Divisional Manager who was Disciplinary Authority and who passed the order of removal. Against that charge was levelled against the concerned workman of absenteeism by charge sheet referred above from 7-4-1997 till 2-7-1997 i.e. date of issuing charge sheet.

21. Also much capital is made of serving correspondence on the concerned workman to show that fair opportunity was given but it was not utilized by him. As observed by me on all occasions that, no any correspondance was served on the concerned workman. Even it is an admitted position and that is not disputed by the 1st Party. Even it is not case of the 1st Party that, in view of the correspondence served upon the concerned workman, concerned workman remained absent. On the contrary case of the 1st Party is that it try to serve correspondence and tried to justify the service of correspondence on the concerned workman by producing number of copies of envelopes with the remarks of the postal authorities and number of copies of the said correspondence by producing those with list at Exhibit II. Out of that if we peruse page 73 of Exhibit II, we find it is a letter written by Manager (Personnel & IR) dated 9-5-1997 addressed to the concerned workman at Airoli,

New Mumbai address. As far as said letter is concerned, no any postal receipt/ correspondence is produced to show that, it was sent to concerned workman and refused by the concerned workman. Even original of the envelope is not produced of that correspondence to read original handwriting and remarks on it. Even there is correspondence letter dated 14-5-1997 at page 74 which is also alleged written to the concerned workman at Airoli, New Mumbai address about which also nothing is produced by the Management including original envelope returned by Postal authorities showing that it was sent to him but was not accepted as alleged by the 1st Party. Then there is correspondence dated 29-5-1997/3-6-1997 at page 75 of Exhibit II about which also no original of any type including postal receipt is produced to presume that, it was sent and received by the concerned workman. Same thing can be observed about copy of charge sheet produced at pages 77-78 which was allegedly addressed to the concerned workman at his Chembur office address. Even copy of the charge sheet produced at page 80, copy of communication letter dated 17-7-1997 at page 82, copy of disciplinary proceeding dated 30-9-1997 is produced at page 83 of Exhibit II, copy of order dated 30-9-1997 at page 84 of Exhibit II, all this reveals that, no supporting evidence is produced by the Management that, this correspondence was sent to the concerned workman at the addressees shown and were returned by the postal authorities with remarks of 'refusal', 'unclaimed' or 'left'. Then we find copy of correspondence at page 85 of Exhibit II alongwith copy of envelope returned by the postal authorities filed from pages 87 to 95 reveals that, said were sent but returned back with remarks as "unclaimed" or 'left' or 'not known'. Besides nothing is shown by the Management regarding correspondence sent to the concerned workman about finding of enquiry officer produced at pages 96-97 showing that, these were sent but not claimed by the concerned workman on the given address. It is stated that, the said was written by the Enquiry Officer to the Divisional Manager who sent to the concerned workman but it was not shown and proved by examining any witness on that point that it was sent on particular address and was returned back by the postal authorities. Copies of the correspondence from pages 96 to 160 if perused we find that, all these are shown returned by the postal authorities with remarks 'not claimed', 'not found' and 'not known'.

22. Much Capital is made of the Staff Regulation regarding service of such correspondence on the concerned workman saying that when it was not claimed by the concerned workman through postal authorities the management then displayed it on the Notice Board. It is also case of the Management that, all this correspondence was returned by the postal authorities and those were displayed by the authority on the notice boards at the relevant time. However, on correspondence from pages 94 to 160 we find such a remark particularly on pages 128, 129

and 144 that copy was sent to the Authority to put it on the Notice Board. However, this correspondence does not reveal that, who displayed correspondence on the Notice Board, what is evidence before the Enquiry Officer to conclude that, actually these were displayed by the Authority on the Notice Board as per Staff Regulations? Again if we go through the finding of the Enquiry Officer which is filed at page 96 and 97 of Exhibit 11 we find she has not referred to any evidence which reveals that, said correspondence was displayed on the Notice Board by such and such person. Even no evidence is recorded by her on that point in the enquiry proceedings by Enquiry Officer to conclude, who displayed the correspondence and the Management has discharged the burden of displaying the correspondence on the notice board by leading such evidence. On the contrary not a single statement is recorded by the Enquiry Officer. She has also not recorded evidence of any of the witnesses who carried the correspondence, who fixed it on the Notice Board, who removed it from the Notice Board after some time and how many correspondences are displayed. No evidence of any witness is recorded by the Enquiry Officer to conclude actually burden of displaying correspondence was properly discharged by Management. On the contrary in para-2 and para 6 of her finding, she only mentioned that, notice dated 7-11-1997, 18-11-1997 were only displayed on the Notice Board. But she has not mentioned who had displayed those. She has not stated in the findings who displayed the same, what was their status in the employment of the 1st Party? Nothing is stated by the Enquiry Officer to conclude that, 1st Party complied with the provisions of Staff Regulations while conducting enquiry and while proceeding with such an errant employee? We find only remarks on page 144, 169 and 185. Though we find such remarks as referred above pages, it find difficult as to why such remarks are not on page 171. If at all, all correspondence were displayed on the Notice Board as alleged and as observed by the Enquiry Officer without any evidence, question arises how it can be presumed that correspondence produced at page 171 was also displayed on the Notice Board? Nothing is stated by the Enquiry Officer. No evidence of any type is discussed by Enquiry Officer and even allegedly led before any forum to conclude that LIC Regulations Rules are strictly observed by management while conducting the enquiry and or while displaying various correspondence of which much capital is made by the 1st Party at all levels.

23. Moreover, as observed above finding of the Enquiry Officer is totally silent on that point. He has not discussed or given names of the persons who displayed the such correspondence on the Notice Board as per Staff Regulations Rules. Even she has not ascertained whether actually it was displayed or not while discussing or while giving finding on it. Besides on has to note that all these documents are coming from the Management custody and are with the Management. Here one cannot ignore that, Management is taking action against the concerned workman who is a person of poor section. When mighty

power is against such poor employee then definitely one has to take more care and caution to see whether such a power has followed the principles of natural justice? All the while this workman is saying that, principles of natural justice are not followed. He is saying that, whatever correspondence allegedly send were not served on him. He says that, Enquiry Officer was bias and he has no evidence. When that type of defence is taken naturally burden shift on employer to show that, it has taken all proper care and has given full opportunity to the concerned workman to reply the said charges. Following the principles of natural justice does not mean only to follow the rules provided under the rules and regulations but is also expected to follow which can be done in the natural course. The case of the 1st Party is that, it acted as per the provisions given in the said Staff Regulations. But question arises, what was the result of the act of 1st Party? Result of all that is none of them out of the said correspondence was served on the concerned workman. Even it is not discussed by the Enquiry Officer and stated how she has observed that it was served on the concerned workman and hold that it is proper one? Even Enquiry Officer did not bother to refer statement of any of the witness who allegedly displayed this correspondence on the Notice Board. When all this is not there, in my consider view how it can be said that, the principles of natural justice were followed? According to me following principles of natural justice means it should be done by giving all possible opportunities to the concerned employee which are beyond the provisions given in the Rules and Regulations to such an employee. If at all those could have been given to such an employee, he might be in a position to bring witness or evidence on his behalf to justify the absenteeism. The very purpose of holding an enquiry is to find out truth and to see whether really he has reason to abandoned the job without any reason or really he has abandoned his job or really he has reason to remain absent from the job? Here, since 2nd Party did not get the opportunity to place his explanation about absenteeism on record, in my considered view finding given by the Enquiry Officer on that issue, cannot be treated as a finding as expected.

24. It is to be noted that, 2nd Party is saying that, his mother was sick. Even in his correspondence which is admitted by the 1st Party, where 1st Party also admits that reason given was and concerned workman informed that, his mother was sick and nobody is there to look after her. It is not case of the 1st Party that, 2nd Party has given false reason or stand taken by him about the sickness of his mother is false one. Neither the sickness of mother is disputed by the 1st Party at any level nor about his sickness. Even it is not disputed by 1st Party that, he is alone in the house and there is nobody to look after his mother. The correspondence send on that point is admittedly served on the 1st Party. When that is there and when he says that, his mother was sick and then when he became sick and when he has sent correspondence on that point which admittedly served on 1st Party 1st Party couple with medical



certificate of the concerned Doctor on has to consider it. Even correspondence regarding his medical health is at from page 44 to 49 of Exhibit 8 is not seriously disputed. So it cannot be said that, 2nd party has made out false case or it was concocted story made out by him about his absence. No doubt on that no evidence is lead by him in support of said medical certificates and case made out by him. But I feel here we are on the point of fairness of inquiry and on point of finding. On that finding punishment of removal is given. So we can test that while hearing both on the punishment, since punishment alone cannot be decided till gravity of alleged charge is considered.

25. Moreover, one has to see the reason given by the concerned workman about absenteeism. He says that, his mother was sick and he was alone in the house. He states that, he was staying with his uncle who left for native place. That means, his mother was in the house who was sick and he was alone. As there was nobody to look after her he has no option but to attend her. As stated above said position is not disputed by the 1st Party at any stage.

26. Here reason given by the concerned workman is that, his mother is sick require to be considered, in my considered view, in different angle. It is to be noted that, he claim that his mother was sick. One has to see when one is claiming his mother was sick, one has to give anxious thought and regard and respect to the word "mother" as 'mother' means God for such a person and is all to him. Even in the Factory "mother machine" plays an important roll, said machine is called "Mother machine" which provide work for all other machinery and hands working in the factory. Mother is in the personality who take care of house, who look after all, who bothers regarding all as well as go on taking care of and that too all the time. When employee of this type who is illiterate and who belong to Schedule Caste category says when his mother was sick, definitely for him mother may be the only important thing in his life and mother will be all for him and beyond that he may not be having world. When mother is his world, for such a person and when he claims that, his mother was sick which is not disputed at any level, in my considered view, one has to give regard and thought to that reason. It is not that, he did not inform about the sickness of his mother. On the contrary 1st Party admit that, by telegram dated 24-4-1997 and letter dated 25-4-1997 he informed about sickness of his mother and even he explained the situation in which he was in the house saying that, he was staying with his uncle who left for native place and he was alone there to look after his ill mother. When he states that, his mother is sick and require treatment, and when pray for sanction of leave from 7-4-1997 and when that reason is given which admittedly is served on 1st party in my considered view, one has to give anxious thought to the reason given by the concerned workman. According to me one cannot take it lightly or casually as in my opinion, reason given, is regarding sickness of his mother. When person of this type is not attending job for the reason to give treatment to his mother, require to consider sincerely. Now-a-days

we do not find that much attachment towards parents. But one has to note that it was period of 1997 and that concerned workman cannot be blamed for the reason given by him that his mother is sick so he unable to report on duty from 7-4-1997. According to me he has given more priority to sickness of his mother than attending inquiry as that time he may be feeling that mother is above all. That belief of some persons one cannot ignore. The reason given by the concerned workman that, his mother is sick, ought to have been considered by the Management since affection towards mother appears his passion and the management ought to have taken more care while proceeding against him when he was passionate about his mother. When it is his case that, he remained absent and he was sick and was treated by Psychiatrist Dr. Sanjay Kumawat for which he was under his treatment from 30-4-1997 to 14-11-2000, that means, he was under treatment for more than three years. He has produced copy of those certificates at Exhibit 40 and 41 of Exhibit 8. All are served on 1st Party. All those shows that, 1st Party was aware of the intimation given by the concerned workman and the reason behind his absenteeism. Reason is that, initially his mother was sick so he remained absent and then he himself fallen sick and when his mother was sick and he was sick and none of the correspondence of the 1st Party was served, how 1st party expect that, he should attend enquiry? Besides in this situation how 1st Party is happy in saying that it followed rules and regulations of LIC by displaying notices on Notice Board and satisfied legally treated those as served on the concerned workman? Besides when actually notice was not served on the concerned workman about the enquiry and its stages, in my considered view, what is the use of correspondence displaying the notices on the Notice Board when concerned workman is not reporting on duty and is not known about the enquiry proceeding going on against him?

27. Apart from that much capital is made about displaying notices on the Notice Board taking base that procedure given in Staff rules is adopted and so 1st Party is right in doing all that. Actually Staff Regulation rules expect such a displaying on the office where the concerned workman is working. All the correspondence referred above does not reveal that, the notices were displayed at the place where concerned workman worked lastly and even there is no evidence before the Enquiry Officer to conclude that, such notices were displayed on the Notice Board of the office where the concerned workman lastly worked. Enquiry Officer does not disclose the name of any witness who displayed such notices on the Notice Board of the Office where 2nd Party lastly worked. It is not discussed by the Enquiry Officer or brought on record by her a witness who displayed those notices on the notice board of the office where 2nd Party concerned workman lastly worked and for how many days notices were there on the Notice Board. Even no such type of evidence is there before the Enquiry Officer. On the contrary not a single statement is recorded of any witness by Enquiry Officer to conclude



that, notices were displayed on the Notice Board as per Staff Regulation rules since copies of those were not served on the concerned workman. Besides Enquiry Officer is not examined in this proceedings to show that, her act of conducting inquiry was just and proper.

28. When concerned workman was absent on account of sickness of his mother, during the enquiry admittedly and when he was not attending the work where notices were allegedly displayed on the notice board, whether display of notices on notice board is sufficient? whether can it be treated that, 1st Party has given all opportunities as expected? Whether it can be treated that principles of natural justice were followed? According to me answer to all those will be "No". Besides principles of natural justice means, the principles which require to be followed which are not reduced in writing and which can be offered in possible manner. Even it is not the case of the 1st Party that, it displayed its intention of conducting an inquiry by displaying it in any of the newspaper as is done in Civil cases. No any type of such action is shown to have been taken by the 1st Party that it displayed its intention in any new paper of holding enquiry against the concerned workman about his absenteeism. No doubt Staff Regulations does not incorporate that. But "Natural justice" has wider meaning than what is incorporated in the rules. When it is not case of the 1st Party that and when such a notice was not displayed about the intention of the 1st Party that it wanted to hold an enquiry and or conducted the enquiry and when none of the notices were served on the concerned workman by which 1st party, in my considered view such an enquiry cannot be treated as fair and proper and cannot be observed that it was conducted by following principles of natural justice.

29. Apart from that, what is evidence with the 1st party. 2nd Party examined himself at Exhibit 12 where he claims that principles of natural justice were not followed and injustice is caused to him. He states that, lastly he worked at Chembur Branch. He states that, he has intimated 1st Party about his absenteeism. He states that, he did not remain absent without intimation. He states that, he unable to attend duty and intimated by letter dated 25-4-1997 and telegram dated 24-4-1997. Against that, 1st party examined Mr. Tara intially at Exhibit 16 and then for second time at Exhibit 27 repeating the same story. In the cross this witness of the 1st Party admit that Authority can sanction leave upto one year as per Rule 60. Even Staff Regulation give that much advantage to erred employee. He admits that, the medical certificate submitted by the concerned workman of Dr. Umawat from 7-4-1997 to 30-4-1997 were received. He admits that, entire correspondence of the 1st party addressed to 2nd Party was not actually served on 2nd Party and were returned with postal remarks "unclaimed", "not found". He admits that, 1st Party did not follow method, of serving such correspondence on the concerned workman personally. He admits that, no oral evidence was recorded by the Enquiry Officer of any type while giving finding. Even on 2nd occasion this witness of

the 1st party admit that, the correspondence referred above was not served on the concerned workman. He admits that, the enquiry report which was sent to the concerned workman was not displayed on the Notice Board. So that is important admission given by the witness of the 1st Party. He admits that, extention of leave can be granted by 1st Party upto one year. It is to be noted that, Enquiry Officer is not examined at any time before this tribunal, though matter came up before this Tribunal on 3 occasions, to show enquiry conducted by her was just and proper and finding given by her does not require any interference. It is not explained by the 1st Party that as to why it was unable to lead any evidence before this Tribunal of Enquiry Officer to show that enquiry conducted by her was conducted by following due process of law and even by following principles of natural justice. In the absence of it and in view of the discussion made above I conclude that, the enquiry is not fair and proper. So when this is the evidence and when principles of natural justice were not followed by the 1st Party while holding an enquiry and when concerned workman did not attend the enquiry to explain about his absenteeism in my considered view, we have to observe that, enquiry is not fair and proper and finding perverse.

30. While remanding the matter back Hon'ble High Court observed that, this Tribunal has to see whether 2nd Party led evidence to justify absenteeism which in my considered view will come up in the next stage where I have to give opportunity to the 1st Party to justify the action of removal. It is to be noted that, here 1st Party has removed the concerned workman relying on such an enquiry and finding given by the Enquiry Officer on such an enquiry. When Enquiry Officer gave finding on such an enquiry and when Disciplinary Authority acted on it in my considered view, opportunity will have to be given to the 2nd Party to explain about his absenteeism and about further delay which appears to have caused in making Appeals and reference after a delay of 3-4 years. Apparently it appears that, there is delay of about 4 years which in my considered view cannot be considered at this stage and will be considered in second round by giving opportunity to both.

31. Taking into consideration all this, coupled with the discussions made above of the case of both parties and the evidence on record, I conclude that, enquiry is not fair and proper and I also conclude that, findings perverse. So I answer these Issues to that effect and passes the following order:

#### ORDER

- (i) Enquiry is not fair and proper,
- (ii) finding perverse,
- (iii) I direct both to attend this Court on 5-3-2010 on the action taken by 1st Party.

Bombay,

18th February, 2010

A. A. LAD, Presiding Officer

नई दिल्ली, 22 मार्च, 2010

क्र.आ. 948.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ मैसूर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2 मुम्बई के पंचाट (संदर्भ संख्या 2/15/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/161/2005-आईआर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd March, 2010

S.O. 948.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/15/2006) of the Central Government Industrial Tribunal-2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of State Bank of Mysore and their workmen, received by the Central Government on 22-03-2010.

[No. L-12012/161/2005-IR (B-I)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI.

PRESENT :— A. A. LAD, Presiding Officer

Reference No. CGIT-2/15 of 2006

Employers in relation to the Management of  
State Bank of Mysore

The Assistant General Manager, II,  
State Bank of Mysore, Region II,  
Hubli Zone, Hubli,

Hubli Karnataka.

... First Party

V/s.

Their Workmen

Sh. Sanjay N. Morajkar,

S/o. Nakul Morajkar, H. No. 245,

Sumitra Niwas, Aquem,

Malbhat, Margao,

Goa-403681.

... Second Party

#### APPEARANCE

For the Employer : Mr. L.F. Vieges, Advocate

For the Workmen : Mr. S.V. Nabar, Advocate.

Date of reserving the Award : 19-1-2009

Date of passing the Award : 09-2-2010.

#### AWARD PART-I

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No.L-12012/161/2005-IR (B-I) dated 22nd February, 2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Mysore, Hubli in discharging Shri Sanjay N. Morajkar, Daftry from service w.e.f. 1-12-2002 is legal and justified? If not, to what relief the workman is entitled for?"

To support the subject matter involved in the reference concerned workman 2nd Party filed Statement of Claim at Exhibit 6 stating and contending that, the concerned Workman joined the services of the Management/1st Party during 1985 and worked as a Temporary Peon at Margao and Panaji Branches during 1992 to 22-3-1994 honestly and sincerely. It is case of the 2nd Party that, 1st Party considering work he was it regularised as a Daftri from 23-3-1994 and worked at Panaji Branch. It is contended by the concerned workman/2nd Party that, on 21-2-2000 Mr. Somanna, Branch Manager of the Management/1st Party visited the Branch at Panaji and asked to copy the prepared letter and directed to handed over to the same to the said Branch Manager Mr. Somanna. It is contended by the concerned workman that, the 1st Party being Disciplinary Authority on the basis of the said letter dated 21-6-2000 placed the Petitioner under suspension from 22-6-2000. It is contended by the concerned workman that, a charge sheet dated 29-12-2000 was served on him alleging that, on 12-11-1999 the concerned workman had withdrawn Rs. 600 directly from the S. B. Savings in operative account 114 of Prakash S. Usgaonkar by forging the signature of account holder on S. B. withdrawal form and using the services of Sri Satish N. Jadar and also withdrawn amounts from the said S. B. Account holder Prakash NM. Usgaonkar by forging his signatures on cheque leaves on different dates by using services of Sri R. P. Rawarde or Sri Shamsuddin and that, to facilitate the said withdrawals the concerned workman got the inoperative account 114 transferred to operative account on 18-11-1999 by forging the signatures of the Account Holder on the Application Form. It is case of the 2nd Party/concerned workman that it was alleged that, the concerned workman collected the cheque book bearing No. 498631 to 498640 on 10-11-1999 by forging signature of S.S Account, 114 Holder Sri Prakash N. Usgaonkar and using service of Shashikanth N. Jadhav and thereby committed misconduct as per Bipartite Settlement Para 19.5 published for a major penalty as per Bipartite Settlement para 19.6 and called the reply from the concerned workman.

(3) It is contended by the concerned workman that, the Disciplinary Authority appointed Sri L. Charles Ravikumar, Manager (Accounts) Margao Branch as Enquiry Officer to enquire into the charges levelled against the concerned workman and the said Enquiry Officer issued a Notice fixing the date of enquiry on 12-6-2001. It is his case that by a subsequent letter dated 26-9-2001 the Disciplinary Authority changed the Enquiry Officer by

appointing one Shri N.V. Chandar, Chief Manager, Margao and also appointed Sri K. Udayachandra Joshi, D. M. Head Office as Presenting Officer indicating the procedure to be followed in conducting the enquiry. It is contended by the concerned workman that, he was allowed to take the assistance, to defend the charges in the enquiry' of one Sri V. Manjunath, President, S & M Employees Union. It is contended by the concerned workman that, during the course of the enquiry, the Presenting Officer examined Bank witness and from his side he examined himself. It is his case that, he submitted the written statement at the end of the enquiry on 28-11-2001. It is contended by the concerned workman that, the Enquiry Officer appears to have submitted findings of the Enquiry to the Disciplinary Authority on 27-2-2002 holding that, all the charges made against the Petitioner are proved. It is further contended by the concerned workman that, on 25-2-2002 the Disciplinary Authority/1st Party called the explanation, if any, from the concerned workman, enclosing copy of the findings of the Enquiry Officer. It is contended by the concerned workman that, on 17th June, 2002 he submitted his explanation to the Disciplinary Authority stating that, the findings of the Enquiry officer is baseless, imaginary and there is no application of mind of the Enquiry Officer on the records of evidence and therefore the whole findings are in gross violation of principles of natural. It is further contended by the concerned workman that, the Disciplinary Authority after receipt of his explanation issued a Show Cause notice dated 23-7-2002 to the concerned workman stating therein that, he has come to the conclusion that all the charges levelled against the concerned workman are proved. It is further contended by the concerned workman that, he submitted his detailed explanation on 3-8-2002 to the Disciplinary Authority highlighting many facts, evidence and circumstances as to how the charges levelled against him are baseless, illegal and the perversity of the findings of the Enquiry Officer and prayed therein to consider all that and defer the proposed punishment. It is further contended by the concerned workman that, the Disciplinary Authority by its letter dated 27-8-2002 provided him an opportunity of personal hearing on 17-9-2002 when the concerned workman appeared before the Disciplinary Authority alongwith his representative and submitted his written statement. It is further contended by the concerned workman that, however, the Disciplinary Authority still passed an order dated 30-11-2002 discharging the concerned workman from its services.

(4) It is further contended by the concerned workman that, being aggrieved by the said order of discharge dated 30-11-2002 the concerned workman submitted an appeal to the Deputy General Manager and Appellate Authority, State Bank of Mysore, Hubli, on 23-12-2002 explaining how the orders of the Disciplinary Authority are illegal and baseless. It is further contended by the concerned workman that, the Appellate Authority offered him an opportunity to appear in person and heard him personally on 13-2-2003 and also took into account his Memorandum submitted through his Defence Representative. It is further contended by the concerned workman that, however, the Appellate Authority by its order dated 30-4-2003 rejected the appeal, preferred by the concerned workman, mechanically

concurring with the findings of the Enquiry Officer and order passed by the Disciplinary Authority without proper and independent application of mind to the facts and circumstances of the case without considering the various grounds urged by the concerned workman in his appeal. It is further contended by the concerned workman that the order of the Appellate Authority also suffers from very many illegality and infirmities which have vitiated the proceedings. It is further contended by the concerned workman that, he also exhausted his remedy once again before the Assistant Labour Commissioner (Central) and Conciliation Officer at Vasco-d-Gama, Goa by moving an application under Section 2(A) read with Section 12 of the Industrial Disputes Act, 1947. It is further contended by the concerned workman that, the Assistant Labour Commissioner (Central) tried his level best to convince the Management/1st Party that, the concerned workman's case be viewed on humanitarian ground and considering the downtrodden poverty line of the concerned workman may arrive at an amicable settlement. It is further contended by the concerned workman that, despite of the best efforts, the matter could not be resolved in conciliation proceedings and matter ended in failure of Conciliation on 3-8-2005. It is further contended by the concerned workman that, therefore, being aggrieved by the order dated 30-11-2002 passed by the Disciplinary Authority and the order dated 30-4-2003 passed by the Appellate Authority of the Management/1st Party he is preferring this Appeal contending that, the charges 1, 2, 3 and 4 are not clear and are vague. It is further contended by the concerned workman that, it is well established that, if the charges are vague, it deprives a reasonable opportunity for the CSE to put up appropriate defence and consequently tantamounts violation of Principles of natural justice and hence the charges 1, 2, 3 and 4 become invalid, requires to be quashed. It is further contended by the concerned workman that, the charges are null and void as the same are not issued by a notified Disciplinary Authority as the Disciplinary Authority has not been notified hence the charge sheet becomes null and void, not maintainable, requires to be quashed along with the entire proceedings and show cause notice and final order of punishment. It is further contended by the concerned workman that, the charges 1, 2, 3 and 4 contain the allegations of forgery and has not been charged under a specific clause of the Bipartite but has been under 19.5 without mentioning sub-clause, and there are 20 sub-clauses and does not spell out under which sub-clause the charges are levelled and hence prima facie the entire charge sheet becomes invalid, vague and does not survive. It is further contended by the concerned workman that, the charges 1, 2, 3 and 4 contains allegations of forgery. However, in the entire proceedings none of the witness have come forward and given evidence that the instrument in question narrated in Charge 1, 2, 3 and 4 are all forged and no one has said who has forged and the BWI who has passed all the instruments admitted, accepted and acknowledged that, he has passed the instruments never says atleast in the evidence that these instruments are forged. It is further contended by the concerned workman that, inspite of such vital true facts available learned Enquiry Officer came to the conclusion that, he has not

given the findings mechanically without applying his mind and the disciplinary authority also erred in accepting the findings mechanically without applying its mind gave the punishment which is contrary to the principles of natural justice hence the same is liable to be quashed and set aside. It is further contended by the concerned workman that, the relevant material witnesses have not been examined. It is further contended by the concerned workman that, the Star Officer Witness Shri Somanna who came for investigation and alleged to have taken a letter has not been examined to establish whether the Petitioner voluntarily gave the letter of confession or not, especially when it is disputed in the course of the cross-examination and when defence evidence is produced to the effect that this Petitioner was promised and under threat of police, compelled to copy a letter Written by Sri Somanna in English despite the true facts that, the concerned workman is not fully versed with English Language. It is further contended by the concerned workman that, non-examination of Sri Somanna and Officer from the Regional office is failure on the part of the Management/1st Party to establish the truth and therefore, the findings of the Enquiry Officer is biased on without application of mind and hence the act of the Disciplinary Authority mechanically considering the findings without application of his mind demonstrates a biased and contrary to the principles of natural justice and requires to be set aside. It is further contended by the concerned workman that, the conclusion of the Enquiry Officer that, the concerned workman has admitted, by confessing voluntarily do not hold any water in the light of the answers given by the Branch Manager and the evidence on record. It is further contended by the concerned workman that, the fact that the letter was copies by the concerned workman in an empty cash cabin in the presence of Sri Somanna and there is no evidence established on record through any of the witness that the concerned workman voluntarily gave the copied letter or copied the letter voluntarily and handed over it to the Manager. It is further contended by the concerned workman that, that from the relevant material evidence, the findings based upon the BEC II presuming that, it is voluntarily confessed letter is perverse, contrary to evidence on record and evidence, the findings becomes illegal, invalid and the Disciplinary authority also erred in accepting the findings mechanically and therefore also the punishment inflicted is unjust, unwarranted and opposed to principles of natural justice and requires to be set aside in the ends of justice by reinstating the concerned workman. It is further contended by the concerned workman that, the allegations levelled in the charge are all concocted one and without evidence and of therefore the findings and the punishment inflicted are contrary to the principles of natural justice.

(5) It is further contended by the concerned workman that, even though it has been brought on record that, Shri Somanna from Regional office came for investigation and he has submitted the report to the Management, his request for the report has been denied and opportunity to establish that letter was obtained by him enclosed to the report now brought on record through courier and produced in the inquiry proceedings is lost and the concerned workman

has been deprived of a reasonable opportunity to establish the defect. It is his case that, Disciplinary Authority wrongly based upon such void findings which requires to be quashed and set aside. It is further contended by the concerned workman that, no definite charge existed at the time of investigation made by Sri Somanna and that, neither the Manager nor Sri Somanna are Disciplinary, hence the question of confession does not arise as they are not competent authorities empowered with jurisdiction to accept any such confession, hence the findings of the Enquiry Officer with regard to alleged confession is illegal and is without jurisdiction and therefore also the findings require to be set aside to meet the ends of justice. It is further contended by the concerned workman that, the act of the Enquiry Officer coolly coming to the conclusion without applying his mind based on the alleged confession is erroneous, contrary to the principles of natural justice hence the findings and proposed punishment required to be quashed and set aside. It is further contended by the concerned workman that, there is no complaint or claim from any party and there is no evidence brought on record to the effect that, the Bank has suffered loss and therefore also the findings become perverse contrary to the principles of natural justice and punishment inflicted is invalid and requires to be set aside. It is further contended by the concerned workman that, the Appellate Authority is not justified in passing the order dated 30-4-2003 rejecting the Appeal preferred by the concerned workman mechanically concurring with the findings of the Enquiry Officer and order of passed by the Disciplinary Authority without proper and independent application of mind to the facts and circumstances of the case. It is his case that, he ought to have considered on the various grounds urged by him in his appeal. He alleges that, the order of the Appellate Authority also suffers from very many illegality and infirmities which have vitiated the proceedings. So he prayed that the impugned orders dated 30-11-2002 passed by the Disciplinary Authority and impugned order dated 30-4-2003 passed by the Appellate Authority be quashed and set aside and the concerned workman be reinstated with benefit of full back wages with consequential reliefs.

(6) This is disputed by the Management/1st Party by filing Written Statement at Exhibit 11 stating and contending that, the concerned workman was working as a Peon in its branches at Margao and Panaji but denied that, he had worked diligently and faithfully in the Bank. Management/1st Party denied that, on 21-6-2000 while the concerned workman was discharging his duties one Mr. Somanna, Branch Manager of the Respondent visited the Branch at Panaji where the concerned workman was working induced the concerned workman to copy a letter written in English language and that the said Mr. Somanna took the concerned workman to an empty cash cabin along with him and asked him to copy the said prepared letter and hand over to the said Branch Manager. It is case of the Management/1st Party that, the concerned workman/2nd Party has written a letter and handed it over to the Branch Manager and the Disciplinary Authority on the basis of the said letter dated 21-6-2000 placed the concerned workman under suspension from 21-6-2000. It is case of

the Management/1st Party that, the Petitioner knows English language and had written the said letter voluntarily in good English and signed under it.

7. It is case of the Management/1st Party that, initially Shri Charles Ravikumar was appointed as Enquiry Officer and subsequently on his request to relief him on health grounds Shri N.V., Chander was appointed in his place. It is case of the Management/1st Party that, the change of Disciplinary Authority had been duly informed to the concerned workman. It is a case of the Management/1st Party that, even though the concerned workman had admitted his guilt in withdrawing amount from the customer account brought his letter and made good the withdrawn amount by depositing it in the Bank, a domestic enquiry was initiated by the Bank by issuing a charge sheet and the concerned workman was represented by Sri Mankjunath, President of SBM Employees Union, Bangalore. It is case of the Management/1st Party that, the concerned workman had admitted that all the procedure of domestic enquiry proceedings were complied with by the management as evident from the Appeal where the concerned workman stated all the steps taken by the Management/1st Party culminated in his discharge. It is case of the Management/1st Party that, since he had totally failed to discharge the guilt the Disciplinary Authority had no other alternative but to discharge the Petitioner from the service of the Bank for gross misconduct since the charges are proved. Management/1st Party denied that, the Enquiry officer's report is baseless, imaginary and in fact the concerned workman had availed all opportunities to defend himself and he cannot now make such frivolous contention and it is contended by the Management/1st party that, the Disciplinary Authority applied its mind and decided to punish the concerned workman. It is case of the Management/1st Party that, the Appellate Authority, after hearing the concerned workman and perusal of the memo of appeal delivered the order dated 30-4-2003 rejecting the appeal preferred by the concerned workman by giving sound reasons and the said order does not suffer from any illegality or infirmity which have vitiated the proceedings. It is case of the Management/1st Party that, the conciliation proceedings failed before the Assistant Labour Commissioner (Central) because there was nothing new brought to the notice of the Management and there was no change of circumstances inviting reopening of the matter from the part of the Management and since the concerned workman's acts are serious criminal nature reopening such matters very much difficult.

8. It is case of the Management/1st Party that, the charges are very clear and are not vague as alleged by the concerned workman. The concerned workman was served with the charge sheet mentioning four charges in detail which itself is crystal clear and the concerned workman has clearly understood the charges and pleaded guilty. Management/1st Party denied that, the charges itself are null and void as the same have not been issued by a notified Disciplinary Authority as the Disciplinary Authority has not been notified in the Branch to all the staff members including the concerned workman while work-

ing in the Bank. Management/1st Party denies that, the copy of the Notification was never found till today in the Notice Board of the Bank and that, there is no signature of the concerned workman having obtained the circular, if any, noting the Disciplinary Authority and hence the charge sheet becomes null and void and not maintainable and hence the order to be quashed. It is case of the Management/1st Party that, the Disciplinary Authority has been notified to all the staff members through the circulars and all the staff members are supposed to notice these circulars and said are open to all as well as available at Branches/offices. It is case of the Management/1st Party that, there are only 12 clauses to para 19.5 of Bipartite Settlement, no prejudice is caused to the concerned workman by not citing the sub-clauses as the concerned workman clearly understood the charges and the acts committed by the concerned workman by him and pleaded not guilty to the charges.

9. Management/1st Party denied that, the allegations of forgery have not been proved by the Management/1st Party against the concerned workman and that the Enquiry Officer and Disciplinary Authority have not applied the mind while delivering the orders. It is case of the Management/1st Party that, the learned Enquiry Officer and Disciplinary Authority have considered the facts, documents, circumstances and evidence how Rs.36,100 has been withdrawn from the Account No.114 of by the concerned workman to defraud the Bank by putting the withdrawals forms/cheques through counter for encashment through his friends. It is case of the Management/1st Party that, on 17-6-2000 customer Prakash S. Usgaonkar presented a withdrawal form and Pass book which, he was told that, the balance in the account is only Rs. 1077 and the Pass Book showing the balance of Rs.36,620 and upon the enquiry with the staff members the concerned workman himself voluntarily admitted to the Branch Manager, that he has withdrawn the money from the said account and deposited a sum of Rs.36,100 on 20-6-2000 and thereafter submitted a letter admitting that, he has withdrawn the money. It is case of the Management/1st Party that, the concerned workman's friend and Bank customers also admitted that, they acted on behalf of the concerned workman, in their letters dated 21-6-2000 and 22-6-2000. It is case of the Management/1st Party that, the concerned workman never denied the contents of the forgery or the contents of the letter dated 21-6-2006 or the deposit of the amount and the contents of the letters made by his friends.

10. It is case of the Management/1st Party that, no prejudice has been caused to the concerned workman for non-examination of Shri Somanna and denied that, the concerned workman wrote the said letter under duress or under the threats of the Police. It is case of the Management/1st Party that, the findings are based upon the evidence and documents. Management/1st Party denies that, the letter was copied by the concerned workman in an empty cash cabin in the presence of Shri Somanna. It is case of the Management/1st Party that, the concerned workman has himself shown the said letter dated 21-6-2000 to the Secretary of the Union, Panaji Branch before tendering

the said letter to the Branch Manager, the said letter voluntarily written by the concerned workman in order to elicit a lenient view from the higher authority and the enquiry proceedings are totally silent regarding the issue of coercion or assurances, not even the suggestion that has been put to the witness/Branch Manager. It is case of the Management/1st party that, the findings in this Case are not solely based on Exh.11 but are based on oral evidence and also the documents including the letter dated 21-6-2006 and that the Exhibit BEX11 cannot be read in isolation since the said exhibits have to be read along with other exhibits and oral evidence before the Enquiry officer. Management/1st Party denied that, the allegations levelled in the charges are concocted one and without evidence. It is case of the Management/1st Party that, non-production of Investigation Report and the Management/1st Party has not relied upon the Inquiry report before the Enquiry Officer.

11. Management/1st Party denied that it obtained the confession from the concerned workman under dress. It is case of the Management/1st Party that, the concerned workman admitted his acts of forgery to the Branch Manager, deposited the withdrawn amount and submit a letter describing his acts of forgery and presented to the Branch Manager voluntarily and the said letter is the part of the evidence in the enquiry proceedings. It is case of the Management/1st Party that, the concerned workman himself made the admission before the charge sheet so the facts and circumstances of this case is not similar to the case decided by the Hon'ble Karnataka High Court. It is case of the Management/1st Party that, by the acts committed by the concerned workman Bank suffered disrepute in the eyes of the customer and the public in general regarding the reputation of the Bank. It is denied by the Management/1st party that, the Appellate Authority is not justified in passing the order dated 30-4-2003 rejecting the appeal preferred by the concerned workman and submit that, the Appellate order is legal and justified. It is submitted by the Management/1st Party that, the concerned workman has not made out any case and the reference deserves to be rejected in limine with costs and the concerned workman is not entitled to any reliefs.

12. In view of the above pleadings Issues were framed at Exhibit 15. Out of those Issues at (i) and (ii) are treated as preliminary issues which I answer as follows:

ISSUES	FINDINGS
1. Whether inquiry fair and proper?	No
2. Whether finding perverse?	Yes

#### REASONS:

#### ISSUES NOS. 1 & 2:

13. 2nd Party concerned workman claims that, he joined 1st Party initially as temporary Peon at Margao Panaji Branch and worked there between 1992-94. He worked honestly and sincerely and considering his work he was posted as Daftri from 23-3-1994 on which he worked at Panaji Branch.

14. It is his case that, while he was discharging duties Mr. Somanna who was the Branch Manager visited Panaji Branch where 2nd Party/concerned workman was working. At the time of visit of Mr. Somanna he called the 2nd Party/concerned workman in cash cabin and handed over a copy of writing and asked him to reproduce it in his hand writing and hand over to him. It is his case that, he was educated upto Std. IX and was not that much conversant with English language. It is his case that, on the basis of the said writing given by the 2nd Party/concerned workman, Disciplinary Authority suspended him from 22-6-2000. The charges levelled against the concerned workman were that, he withdrawn Rs. 600 on 12-11-99 from S/B Account which was inoperative Account No. 114 standing in the name of Prakash S. Usgaonkar. It is also alleged that, by forging signature he withdrawn amount from the account of Usgaonkar. It is also alleged that, while withdrawing said amount he took help of other hands working in the Bank. It is also alleged that, by forging signature of Usgaonkar he obtained cheque leaves and used those on different dates with the help of R. P. Rawarde or Shamsuddin and withdrawn amount from inoperative Account No. 114 standing in the name of Prakash Usgaonkar. It is case of the 2nd Party/concerned workman that, the domestic enquiry was conducted on 30-6-2001, 6-9-2001, 7-9-2001 and 28-11-2001 and the witness were examined. According to 2nd Party/concerned workman material witnesses were not examined before Inquiry Officer nor produced by the 1st party. Even Investigating Officer was not examined on whose basis charges were levelled of withdrawing the amount from the account of Mr. Usgaonkar with the help of above referred persons working with the Bank. It is his case that, no fair opportunity was given, no documents were produced with the Enquiry Officer to hold him guilty of the charges levelled against him. It is his case that, the very account holder Usgaonkar was not examined, nor original complaint was produced allegedly given by Usgaonkar claiming that, amount was withdrawn by unknown person and he has not withdrawn the said amount and no evidence was led by the Presenting Officer by examining said alleged witnesses viz. Jadar, Rawarde as well as Usgaonkar. It is his case that, when the person who initially held the investigation Mr. Somanna is not examined and copy of the said investigation report is not placed on record vis-a-vis copy of complaint of Mr. Usgaonkar, the account holder and other witnesses where the alleged persons whose services have been allegedly utilized by the concerned workman for withdrawing the amount from Usgaonkar's account. He claims that, enquiry was not fair and proper. He also claims that, there was no evidence before the Enquiry Officer of withdrawing the amount by him and forging signature of the account holder Mr. Usgaonkar. So he claims that, finding is perverse. He also prays that, enquiry be declared not just and proper and finding perverse.

15. This is disputed by the management/1st Party by making out the case that, there was enquiry and charge sheet was served on the concerned workman. It is case of the 1st Party that, enquiry was conducted by the Enquiry officer in which the representative of the concerned workman represented him. It is case of the 1st Party that, he has

submitted reply to the charges sheet and full opportunity was given to the concerned workman. It is case of the 1st Party that, very serious allegations were levelled against the concerned workman and sufficient evidence was there before the Disciplinary Authority to conclude finding not perverse.

16. To support that, 2nd Party/concerned workman placed reliance on his affidavit filed at Exhibit 16 in lieu of his examination-in-chief where he narrated all above story and claims that, enquiry is not fair and proper and finding perverse. In the cross he admits that, he knows Branch Manager Mr. Lobo. He denies that, he has withdrawn the amount from the account of Usgaonkar on number of occasions as alleged by the Bank. He also denies that, he admits the signature forged by him of account holder Usgaonkar. It is to be noted that, in the cross no admissions were obtained by the Advocate of the 1st Party from them to conclude that, he is at fault or he is guilty of the charges. On that, he filed closing purshis at Exhibit 30. Against that Bank examined Jerald Lobo, the Branch Manager of Panaji by filing his affidavit-in-lieu of examination-in-chief at Exhibit 32 who claims that, enquiry is fair and proper and finding not perverse. He also claims that, 2nd Party fabricated the signature of the account holder Usgaonkar and withdrawn the amount on a number of occasions with the help of staff. He also states that cheques were obtained by the concerned workman and by using those he withdrawn the amount and by signing forged signature of account holder Usgaonkar committed misconduct for which punishment of dismissal is just and proper. In the cross he states that, the letter produced at page 15 of Exhibit 12 does not bear the name of the concerned workman. He also admits that, the said letter does not bear the allegation against the concerned workman. This witness states that, he does not know whether Prakash Usgaonkar was examined before the Enquiry Officer, account holder against which it was alleged that, the concerned workman withdrew the amount from the account. He also admits that, he has no knowledge about examination of Sunil Naik in the enquiry. He also admits that, no Police complaint was filed against the concerned workman of forgery. He also admits that, he had not mentioned the name of the concerned workman when he complained to the Regional office about the alleged act of the 2nd Party/concerned workman. He also states that, he does not know whether concerned workman has admitted the guilt by writing letter in front of Mr. Somanna. It was suggested that, the said letter was obtained by Somanna by using force and by using influence and playing fraud on the concerned workman tempting him that, if he admits the charges, no action will be taken on which he relied and gave undertaking. He also does not know, whether, Rawale was the witness in the enquiry. He also admits that, he does not know whether Dy. Manager reported that, amount withdrawn was legally withdrawn by issuing cheques and there was no illegality in withdrawing the amount from the account of Usgaonkar. On that 1st party closed evidence and filed closing purshis at Exhibit 37.

17. Written arguments are submitted by the 2nd Party/concerned workman at Exhibit 38 and by the 1st Party/Management at Exhibit 39 with some citations.

18. Pursued the proceedings, written arguments filed at Exhibits 38 and 39 as well as the documents produced by the 2nd Party/concerned workman at Exhibit 8 and the 1st Party/Management at Exhibit 12.

19. Documents produced with Exhibit 8 including copy of the enquiry report and copy of enquiry proceedings. From the said documents we find that, witness viz. alleged account holder Usgaonkar is not examined before the Enquiry Officer. In the enquiry we find that, the complaint alleged to have been filed by Usgaonkar is also not produced. In the enquiry we find original investigation report is not submitted. Even question was put to the witness of the Management on which Enquiry Officer objected and passed an order that, Investigation report is not necessary. It is case of the 2nd Party/concerned workman that, on the basis of the said Investigation Report charge sheet was served and enquiry was conducted. Besides it is a matter of record that, Investigating Officer Mr. Somanna who allegedly submitted his report is not examined before the Enquiry Officer. Besides the services of the alleged persons allegedly used by the concerned workman for withdrawing the amount are also not examined in the enquiry. Besides Somanna is not examined against whom, it is alleged that the concerned workman admitted the guilt before him by writing letter voluntarily. It is the case of the 2nd Party that, said writing was taken from him by using force and coercion by the Manager. It is his case that, he has not given it voluntarily and on that basis 1st Party/Management cannot rely and prosecute him. When that stand is taken by the 2nd Party/concerned workman, naturally burden shifts on the 1st party to prove that, the writing of confession was voluntarily and said action was taken on voluntary statement or on guilt admitted by the concerned workman. However, said burden is not properly discharged by 1st Party by examining Mr. Somanna or by examining witness on whom 1st Party/Management want to rely. Besides charge of forging signature of Usgaonkar is also alleged and it is not proved by examining Usgaonkar or by taking hand writing expert's report on signature on which it is alleged that amount was withdrawn showing that, it was not signature of Usgaonkar but it was signature of the 2nd Party./workman. Moreover, as far as legality of withdrawing the amount is concerned involved in the reference or involved in the charge sheet of the concerned workman, it is case of the 1st Party/Management that, there was no any illegality in withdrawing the amount. Even Deputy Manager deposed before the Enquiry Officer that, the amount was withdrawn legally allegedly involved in the charge sheet. Even case is made out to that effect by 2nd Party by putting suggestion to the sole witness of the Management Mr. Lobo who as Branch Manager at Panaji Branch during 1999-2002.

20. When the concerned account holder Usgaonkar is not examined vis-a-vis his complaint is not brought on record where allegations are made by the 1st party/Management that, the concerned account holder Usgaonkar claims that, there was no amount in his account, in my considered view one cannot presume that, there was complaint of Usgaonkar and he was blaming that, there was no amount in his account. Besides in the



absence of examination of Usgaonkar the account holder, and in the absence of complaint allegedly filed by him one cannot presume that, he complained with the Bank saying that, amount was withdrawn by somebody or by third person, in my view no importance require to give to it. Moreover, no Police case was filed against the concerned workman since it was a charge of forgery. We know charge of forgery require technical proof. It also require hand writing expert's opinion to sort out the allegations of forgery. The documents produced in the form of copies of cheques and copies of other documents bears signatures of Usgaonkar. It is not shown by 1st Party/ Management that, those are signed by the concerned workman and the concerned workman took advantage of these signatures for withdrawing the amount from the account of Usgaonkar. Besides it was allegation of the 1st party/Management that, the concerned workman/2nd Party had utilized the services of Jadhav and Shamshuddin and Jadar. Even none of them are examined before the Enquiry Officer to show that, they helped the concerned workman and with their help the concerned workman withdrew the amount from the account of Usgaonkar. Besides it is not shown by the 1st Party/ Management that, Account No. 114 of Usgaonkar was operated by the concerned workman and therefore he took disadvantage of it. The case made out by the concerned workman that, relying on the confession made by the concerned workman which he allegedly handed over to Somanna, he was charge sheeted and Enquiry Officer observed him guilty of the charges. However, when said Somanna is not examined to depose before Enquiry Officer that, the concerned workman gave that writing voluntarily or without any fear or without any influence it has no meaning. Against that case of the 2nd Party/ concerned workman is that, by using force and coercion and pressuring him his signature was taken on that confession. Besides that, the said confession is not produced on record by the 1st Party to establish that, it was writing of the concerned workman which volunteer and it is in his own handwriting without fear and force. Unless and until it is there one cannot go through it and can point out and distinguish the free handwriting which is written without fear or without any influence and the hand writing which is written under force or under fear and under coercion.

21. Besides the witnesses examined by 1st Party are not speaking about the act of the concerned workman /2nd Party to show that, he was responsible for the said act. Besides alleged persons viz. Rawarde, Jadar and Shamshuddin are not examined by 1st party/Management. Only because 2nd Party admitted the guilt before Mr. Somanna by writing alleged confession and by showing willingness to deposit the amount and that, actually he deposited the amount, it cannot be said that, he was guilty of the charges levelled against him.

22. Here charge levelled against the concerned workman is of forging the signature and withdrawing the amount

from the account of Prakash Usgaonkar from time to time and as far as said charge is concerned, no evidence is lead before the Enquiry Officer and even Presenting Officer did not examine any of the witnesses related to the alleged act of the concerned workman/2nd Party in withdrawing the amount from the account of Usgaonkar. When all these things are absent and only because the concerned workman wrote the confession at the insistence of Somanna and only because he deposited the amount in the Sunday Account it cannot be presumed that, he is guilty of the charges levelled against him. Besides finding given by the Enquiry Officer is merely base on writing of concerned workman allegedly given to Somanna. Finding of the Enquiry Officer is at page 60 of Exhibit 8. Said finding is of 2-1/4 pages. No evidence is discussed by the Enquiry Officer in the said finding, he did not say when he is concluding as concluded. Even there is no evidence before him. Just he referred Bank Documents and contentions taken by the 1st Party/Management and contentions taken by the 2nd Party/concerned workman. There was no discussion about the evidence and evidence of alleged account holder Usgaonkar or evidence of Investigating Officer or discussion about statement made by Rawarde, Jadhav, Shamshuddin and Jadar against whom it was alleged that, 2nd Party took help of those in withdrawing the amount. Besides as stated above, there is no hand writing expert's report showing that, documents referred by the Enquiry Officer were signed by the concerned workman and those are signed by only concerned workman and not by account holder Usgaonkar it cannot conclude that, concerned workman is responsible for it.

23. When all that is there and when there is no evidence before the Enquiry Officer and when investigation officer is not examined nor his report is brought on record it does not permit concerned workman/2nd Party to cross examine 1st Party/Management's witnesses. In my considered view, I have no option but to conclude inquiry is not fair and proper and finding perverse.

24. Number of citations are referred by 1st Party/ Management's Advocate on the point of domestic enquiry. In fact there is no quarrel about the Procedure of the domestic enquiry and on relying on the finding given by the Enquiry Officer. However, in the present case enquiry itself is not fair and proper and finding perverse. In my considered view, 1st party/Management cannot utilize it to punish concerned workman /2nd Party. So I observe that, enquiry is not fair and proper and finding perverse. Hence, the order:

#### ORDER

- (1) Enquiry is not fair and proper.
- (2) I observe finding perverse,
- (3) 1st Party/Management to justify its action;
- (4) No order as to its costs.

Bombay,

A. A. LAD, Presiding Officer

9th February, 2010.



नई दिल्ली, 25 मार्च, 2010

**का.आ. 949.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली के पंचाट (संदर्भ संख्या 33/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/157/2008-आईआर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th March, 2010

**S.O. 949.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.33/2009) of the Central Government Industrial Tribunal, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 25-3-2010.

[No. L-12012/157/2008-IR (B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
NO. 1, KARKARDOOMA COURTS COMPLEX, DELHI**

I. D. No. 33/2009

Smt. Raj Kumari W/o Girish Babu,  
Through All India General Mazdoor Union,  
170, Bal Mukund Khand, Giri Nagar,  
Kalkaji, New Delhi - 19

... Claimant

Versus

The Chairman,  
Local Implementation Committee,  
State Bank of India, Tigri Branch,  
Khanpur, New Delhi-62

... Management

#### AWARD

Local Implementation Committee, Tigri Branch, State Bank of India, Khanpur, New Delhi (herein after referred to as the Committee), engaged Smt. Raj Kumari to serve tea and snacks to members of the committee. She served the said committee from 1989 till 1st of June, 95. When her services were dispensed with, she raised an industrial dispute against the bank. Dispute raised by Smt. Raj Kumari was adjudicated by this Tribunal and answered in favour of the management. She filed a writ petition before High

Court of Delhi, wherein it was commanded that she may implead the Committee and raise the dispute again. She again raised a dispute before the Conciliation Officer. When conciliation proceedings failed, the appropriate Government referred the dispute to this tribunal for adjudication, vide order No. L-12012/157/2008-IR (B-1), New Delhi dated 07-07-2009, with the following terms :—

“Whether the action of the Chairman, Local Implementation Committee, State Bank of India, Tigri Branch, Khanpur, New Delhi in terminating services of Smt. Raj Kumari W/o Shri Girish Babu w.e.f. 2-6-95, is just and legal? If not to what relief the applicant is entitled to?”

2. Claim statemet was filed by Smt. Raj Kumari pleading therein that she was working as a peon since 1989 in the Committee, Tigri Branch, State Bank of India, New Delhi. She was paid @ Rs. 1500 PM. She was not given annual increment, transport allowance, house rent allowance, bouns, leaves, appointment letter, attendance card, identity card, E.S.I. and P. F. facilities. When she raised demand for these facilities, the management felt annoyed. her services were dispensed with on 2-6-95, without paying her wages for the month of May and 1st of June, 95. Act of the management in terminating her service is illegal. She claimed reinstatement in service with continuity and full back wages.

Contest was given to her claim by the management pleading that the Committee has no statutory existence. It has no nexus or relation with the bank. Committee can engage one person to run canteen to serve tea and snacks to members of the Committee. The employee of the Committee is paid for the eatables consumed by the members from welfare fund of the employees. Claimant was engaged by the Committee. When there was no need to continue her services, she was disengaged. Earlier industrial dispute, raised by the claimant, was answered against her and it operates as res-judicata. She is not entitled to any relief. Her claim is liable to be dismissed.

4. Claimant has examined herself in support of her claim. Shri Pahal Singh, Chairman of the Committee was examined on behalf of the management. No other witness was examined by either of the parties.

5. Arguments were heard at the bar. Shri Anil Rajput, authorised representative, advanced arguments on behalf of the claimant. Ms. Kittu Bajaj, authorised representative, raised her submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously persued the record. My findings on issues involved in the controversy are as follows :

6. Smt. Raj Kumari swears in her affidavit that she was engaged by the Committee, Tigri Branch, State Bank of India in the year 1989 as a peon. Her monthly wages was Rs. 1500 PM. She worked with the Committee till 1st of

June, 1995. Legal facilities such as annual increments, transport allowance, house rent allowance, leaves, identity card, appointment letter, attendance card, bonus, E.S.I. and P.F. facilities were not given to her. When she raised a demand, her services were terminated on 2-6-95 without paying her wages for the month of May, 95 and 1-6-95. She used to work in the bank in place of Ram Babu and Rambachan. She used to perform four hours over time per day. During her cross examination she presents that she had filed a claim against State Bank of India, which was rejected. She admits that she was being paid by the Committee. She denies that cheques Ex. MW1/W1 to Ex. MW1/W3 were paid to her for purchase of biscuits etc. According to her those cheques were paid towards her wages.

7. Shri Pahal Singh, unfolds that the Committee was constituted by the employees of Tigri Branch, State Bank of India for their welfare. It has no statutory or legal existence. There was no obligation on the bank or the Committee to run a canteen in Tigri Branch of the bank. The Committee has no nexus or relation with the bank. Smt. Raj Kumari was engaged by the Committee to serve tea and snacks to the members of the Committee. She was paid for eatables consumed, directly by the members of the Committee. During the course of his cross examination, he admits that cheques Ex. MW1/W1 to Ex. MW1/W3 were issued to Smt. Raj Kumari out of Staff Welfare Fund. Whatever amount was paid to her it was out of Welfare Fund of the staff.

8. Out of facts projected by the parties it came to light that the Committee, Tigri Branch, State Bank of India was constituted as a welfare measure. There was no legal obligation on the bank to run a canteen. The said Committee employed Smt. Raj Kumari to serve tea and snacks to its members. Smt. Raj Kumari was paid for snacks and tea out of the staff welfare fund, allotted to the Committee. The said Committee was not a statutory body, to have its nexus with the State Bank of India. Consequently it cannot be said that the Committee was constituted as a limb of Tigri Branch of State Bank of India. Activities of the Committee cannot be treated as a branch of State Bank of India.

9. No evidence worth name has come over the record that the bank used to supervise work and conduct of Smt. Raj Kumari, when she performed duties of serving tea and snacks to members of the Committee. She was not under the supervision and control of the bank. Bank was not having any right to take any disciplinary action her. Claimant cannot be equated with an employee employed in statutory canteens. It is not her case that there was a sanctioned post of peon in the Committee, against which she worked from 1989 till June, 1995. Her engagement was on need basis.

10. It is an admitted fact that the bank bears by way of subsidy to the extent of 95% of the cost incurred by the

canteens for payment of salary, provident fund contribution, gratuity, uniform etc. and also provides premises, furniture, utensils, electricity, water etc. to the Committee free of charge. The canteen so run by the Committee is not a statutory canteen. The Committee is not under any legal obligation to run such a canteen. Bank does not exercise supervision and control on the work of Canteen Boy employed by the Committee. The bank has absolutely no right to take any disciplinary action or to direct any employee of the Committee to do a particular work. In the absence of any obligation, statutory or otherwise for running a canteen by the bank, an employee of the Committee cannot be termed as an employee of the bank. Law to this effect was laid by the Apex Court in Reserve Bank of India's case [1996 (3) S.C.C. 267].

11. In State Bank India's case (AIR 2000 SC 1518) the Apex Court was seized of such a proposition. It was ruled therein that canteens run by the Committee for providing certain amenities in the branch are non statutory, non recognized canteens, because admittedly there is neither statutory provision nor any obligation arising out of award or contract between the bank and its employees to run such canteen. Employees of the canteen, which are being run at various branches by Local Implementation Committee would not become employee of the bank, as bank is not having any statutory or contractual obligation to run such canteens. Bank does not employ Canteen Boys. Bank does not supervise or control their work. For appointing a Canteen Boy there are no rules framed by the bank. The Bank has nothing to do with the running of the Canteen. The scheme framed by the bank for running of a Canteen by Local Implementation Committee only promotes welfare activities for benefit of its employees. Therefore, it cannot be said that canteen Boys are employees of the Bank.

12. As is evident that claimant was working with the Committee which has no connection with the bank. The claimant cannot seek reinstatement of her job with the bank. Since she is not an employee of the management bank, her case is also not covered within the ambit of the circular issued by the bank on 25-8-91. The circular dated 25-8-91 highlights that the bank invited application from casual employees for their absorption. Bank had also invited applications from Canteen Boys, from whom jobs of casual nature were taken by the bank, for the purposes of absorption of their services. Circular referred above is not applicable to the case of the claimant. It is not her case that she ever performed jobs of casual nature with the bank. Even otherwise, the said circular is not applicable to her. On the strength of the said circular, referred above, employees have worked in temporary capacity with the bank between 1-7-75 to 31-7-88 were considered for the purpose of absorption in bank's services. Smt. Raj Kumari claims to have served the Committee from 1989 to 2-6-1995. The said circular does not come to her rescue,

since she stands on different and distinct footings than those employees whose cases were considered for absorption in the services of the bank.

13. Whether claimant can seek application of the said circular to her case? For an answer, legal provisions are to be taken note of. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constitution. The guiding principles laid in Article 14 are that persons, who are similarly situated, shall be treated alike both in privileges conferred and liability imposed, which means that amongst equals the law should be equal and should be equally administered and that like should be treated alike. Article 16 of the Constitution guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers, Government is also entitled to pick and choose from amongst a large number of candidates, offering themselves for employment. But the selection process must not be arbitrary. The guarantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointments, (b) promotions, (c) termination of employment (d) and matters relating to salary, periodical increments, leaves, gratuity, pension, age of superannuation etc. Matters relating to employment or appointments include all matters in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

14. Fundamental rights guaranteed by Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable ground of discretion. Classification is the recognition of the relations, and in making it the Government must be allowed a wide latitude of discretion and judgment. In a way, the consequences of such classification would undoubtedly be to differentiate persons belonging to that class from others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made according to the nature of persons, nature of business, and may be based with reference to time.

15. Concept of equality guaranteed by Article 16 of the Constitution is something more than formal equality and enables the underprivileged groups to have a fair share by having more than equal chance and enables the State to give favoured treatment to those groups by achieving real equality with reference to social needs. 'Protection discrimination' enabled the State to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and incentives to them.

Therefore a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups, based on in terms of nature of persons, nature of business and with reference to time. Therefore classification based on experience or in relation to time for which canteen boys employed by the Committee had served, has a reasonable differentia.

16. To claim equality with the aforesaid canteen boys, it was for the claimant to show that she stood on equal footing with them. Not even an iota of fact has been brought over the record by the claimant to show that she was at par with the aforesaid canteen boys. Circular was issued in 1991 to consider the case of the canteen boys, who served the bank for casual jobs also between 1-7-75 to 31-7-88. The claimant claims to have served the Committee from 1989 to 1st June, 1995. Claimant fell in a different class than those canteen boys, who were considered for absorption in the services of the bank, on the strength of the above circular. In such a situation it cannot be said that the claimant was discriminated when her services were not regularised by the bank.

17. The Committee is not part and parcel of the bank. As detailed above it works for welfare of its employees. It is not an extension or branch of the bank. Consequently activities of the Committee cannot be considered as activities of the bank. Whether activities of the Committee can be termed as an industry? Answer lies in negative. The Committee arranges tea and snacks for its members and for that purpose engages a canteen boy. Except the canteen boy no other employee is engaged by the Committee. The image of industry or even quasi-industry is one of a plurality of workmen, not an isolated or single little assistant or attendant. The later category is more or less like personal avocation for livelihood taking some paid or part-time from another. To fall within the ambit of an industry the activity should be predominantly carried on by employment of organized labour force for production or distribution of goods, or for rendering material services to the community at large or a part of such community. Activities run by the Committee does not answer the ingredients of an "industry". Hence activities run by the Committee can not be termed as an "Industry" within the meaning of clause (j) of Section 2 of the Industrial Disputes Act, 1947. Law to this effect was laid by the Apex Court in Bangalore Water Supply and Sewerage Board (1978 Lab. I.C. 778).

18. In view of the reasons detailed above, Smt. Raj Kumari cannot raise her eye-brows on the action of the Committee when her services were disengaged on 2-6-95. This Tribunal does not enjoy any jurisdiction to entertain adjudication of the dispute. She is not entitled to any relief.

An Award is, accordingly, passed. It be sent to the appropriate Government for its publication.

DR. R. K. YADAV, Presiding Officer

Dated : 26-2-2010

नई दिल्ली, 25 मार्च, 2010

का.आ. 950.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार 'द' बैंक ऑफ राजस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 18/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2010 को प्राप्त हुआ था।

[सं. एल-12012/96/2005-आईआर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th March, 2010

S.O. 950.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of The Bank of Rajasthan Ltd. and their workmen, received by the Central Government on 25-3-2010.

[No. L-12012/96/2005-IR (B-1)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-COURT, JAIPUR

Case No. CGIT 18/06

Reference No. L-12012/96/2005-IR (B-1)

Dated: 15-12-2005

The President  
Rajasthan (State) Bank Workers Organisation  
162, Gharwala jaon, Near Chima Bai sancheti School  
Pali Marwar (Rajasthan)

V/s

1. The Managing Director  
the Bank of Rajasthan Ltd.  
Central Office, C-3, Sardar Patel Marg,  
Jaipur (Rajasthan).

2. The Asstt. General Manager  
The Bank of Rajasthan Ltd.  
Regional Office,  
Bombay Motors Chowk, Chaupasni Road,  
Jodhpur (Rajasthan).

#### PRESENT

Presiding Officer : Dr. Manju Nigam  
For the applicant : Shri Ramavatar Agrawal  
For the non-applicant : Shri Alok Fatehpuria  
Date of Award : 12-3-2010

#### AWARD

The Central Government in exercise of the powers conferred under clause 'D' of sub section 2A of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following Industrial Disputes for adjudication to this Tribunal which runs as under :-

"Whether the action of the Assistant General Manager of The Bank of Rajasthan Ltd. Regional Office Jodhpur in terminating the services of its employee Shri Ram Avatar Agrawal, Pradhan Rokadia, the Bank of Rajasthan Ltd. by its penal order dated 20-6-2003, is legal and justified?"

On the receipt of the reference, notices to both the parties were issued. The applicant appeared on 21-3-2006 and take short time to file claim. On 6-6-2006 claim was filed. The facts stated in claim is that applicant organization is a representative organization of the bank employees and the applicant/workman Shri Ramavatar Agrawal is a member of this aforesaid organization. Applicant was employed as a head cashier in the Ajmer branch of the Bank of non-applicant. Ignoring all the rules and regulations, The applicant was served by a chargesheet by non-applicant no. 2 on 6-6-2001 and before serving the chargesheet, non-applicant no. 2 vide order dated 1-6-2001 suspended the applicant w.e.f. 2-6-2001. Reply was filed by applicant on 10-8-2001, but without considering the reply, an enquiry was instituted and enquiry officer was appointed vide order dated 7-9-2001. Without giving an opportunity of personal hearing to the applicant and without giving notice of termination, the applicant was penalised with forfeiting the salary and other financial benefits. Against this penal order appeal was filed which too was dismissed vide order dated 28-10-2003. It was further averred that the order dated 26-6-2003 and 28-10-2003 was illegal and contrary to law. The whole proceeding was infact initiated to save the actual real culprit. Non-applicant no. 2 Shri Uttam Chand Jain had a personal rivalry with applicant's brother in law late Shri Ramkishan Garg who was employed as a special Assistant in the Bank of Rajasthan Ltd, Byawar Branch. Shri Uttam Chand Jain was then the Branch Manager. Many civil & criminal cases filed by Shri R.K. Garg, brother in law of the applicant for irregularities committed by Sh. Jain as branch Manager are still pending. The applicant is an important witness in those cases. Shri Uttam Chand Jain on many times tried to influence and pressurises the applicant to give an evidence in his favour to which he refused. Therefore, in order to take revenge and absolute false and baseless chargesheet was concocted in connivance with actual guilty employee Shri Shyambihari Mathur.

In fact the whole enquiry was conducted in a illegal manner and contrary to principal natural justice. Therefore, the punishment order dated 26-6-2008 and the order dated 28-10-2003 deserves to be set-aside as being unfair and illegal and he be entitled for all the financial and other benefits. An application was filed by both the parties to the effect that the matter has been compromised between the parties vide settlement dated 7-6-2008. That all disputes of the applicant has been settled. No demand is pending against the non-applicant. Therefore, he does not want to pursue with this reference and as such no dispute award may kindly be passed on the basis of the settlement, the settlement deed is also attached with the application.

In view of the settlement arrived between the parties, the award is passed in terms of settlement dated 7-6-2008 which will be the part of this Award.

Let a copy of the Award be sent to the Central Government for publication under Section 17 (1) of the Act.

DR. MANJUNIGAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2010

का.आ. 951.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केथोलीक सीरियन बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 8/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2010 को प्राप्त हुआ था।

[ फा. सं. एल-12011/5/2008-आईआर (बी-1) ]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th March, 2010

S.O. 951.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.8/2008) of the Central Government Industrial Tribunal -cum- Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Catholic Syrian Bank Ltd. and their workmen, received by the Central Government on 25-3-2010.

[F. No. L-12011/5/2008-IR (B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L. Norbert, B.A., LL.B., Presiding Officer  
(Wednesday the 10th day of March, 2010/19th Falguna, 1931)

I.D. 8/2008

Union : The General Secretary,  
Catholic Syrian Bank Staff Association,  
AIBEA House, Kalliatth Royale Square,  
Palace Road, Thrissur (Kerala)- 680 020  
By Adv. Sri. Ranjith Thampan.

Management: The Chairman,  
Catholic Syrian Bank Ltd.,  
Head Office, Thrissur (Kerala).  
By Adv. M/s. B. S. Krishnan Associates.

This case coming up for hearing on 10-03-2010, this Tribunal-cum-Labour Court on the same day passed the following:

### AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act challenging the settlement between management and unions.

2. Though the parties entered appearance and filed their pleadings when the case was posted for evidence the union and the counsel remained absent continuously. There is no representation also for the union. In the circumstances it has to be presumed that there is no existing dispute for adjudication.

In the result an award is passed finding that the settlement arrived at between the management and Catholic Syrian Bank Staff Federation under Section 12 (3) of I.D. Act is legal and justified and the union is not entitled for any relief.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 10th day of March, 2010.

P. L. NORBERT, Presiding Officer

Appendix - Nil.

नई दिल्ली, 25 मार्च, 2010

का.आ. 952.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 35/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2010 को प्राप्त हुआ था।

[फा. सं. एल-12012/136/2003-आईआर (बी-1) ]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th March, 2010

S.O. 952.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.35/2003)

of the Central Government Industrial Tribunal -cum- Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 25-3-2010.

[F. No. L-12012/136/2003-IR (B-1)]

SURENDRA SINGH, Desk Officer

#### ANNEXURE

**BEFORE SRI RAM PARKASH, HJS, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

**Industrial Dispute No. 35 of 2003**

Industrial Dispute between -

Sri Sanjai Saini,  
Son of Sri khuti Ram Saini,  
Resident of Mahavan,  
District Mathura

And

The Asssitant General Manager,  
State Bank of India,  
Zone no. 3,  
Zonal Office,  
Sanjai Place,  
Agra.

#### AWARD

1. Central Government, MOL, vide notification No. L-12012/136/2003-IR (B-1) dated 30-9-03, has referred the following dispute for adjudication to this tribunal-

2. KYA SAHAYAK MAHA PRANABDHAK, BHARTIYA STATE BANK, AGRA DWARA KARMKAR SRI SANJAI SAINI ATMAJ SRI KUTI RAM SAINIKI MESSENGER KEPAD SE DINANK 18-6-2001 SE SEWA SAMAPTKIYA JANANYAYOCHIT HAI/YADINAHITO SAMBANDHIT KARMKAR KIS ANUTOSH KA HAQDAR HAI?

3. Briefly stated facts of the case are that the claimant Sri Sanjai Saini has filed his claim statement, alleging that he was appointed on 2-5-94, on the post of messenger at the rate of Rs. 500 as salary by the opposite party department at Sri Krishna Janmsthan Mathura. During posting every type of work including messenger stitching of note packets, pasting of stickers, preparation of vouchers and giving and taking of ledger and books from one place to other and such other type of works were being taken from him. He was being asked to write day book etc. The work which was being taken from him has been shown in the chat filed along with the claim statement besides messenger post. Therefore, he continued to work for more than 240-days in a year but he was not given the post of messenger and the salary accordingly. Finding no

alternative he moved an application before ALC Mathura on 30-3-2000 where the opposite party challenges the authority of the ALC Mathura regarding jurisdiction. Getting annoyed opposite party did not allow him to work with effect from 18-6-01, though the day book on that day was written by him. Therefore, the action of the opposite party in removing him from service with effect from 18-6-2001 is unjust, unlawful and mala-fide and against the unfair labour practice.

4. Opposite party has filed written statement and the Opposite party has emphatically denied the claim of the claimant. It is stated that the claimant was never appointed on 2-5-94 by AGM or any other officer as messenger at banks Sri Krishna Janmsthan at Mathura and he was never paid Rs.500 per month as salary. No such type of work as alleged by the claimant like preparing note bundles or putting up levels or stickers or vouchers or carrying book or ledgers or bidding or filing vouchers etc or carrying of cash box were used to be taken from him either orally or otherwise. It is wrong to say that he was asked to write day books to prepare statements etc. He had never worked for 240 days or more, he had never been an employee in any capacity in the branch. Applicant is a hardened sort of litigant. He has been involving the bank in similar litigation earlier. It is stated that a canteen is run by Local implementation Committee (in short to be referred LIC) at Sri Krishna Janmbhumi Mathura Branch at State Bank of India, Mathura (referred to be janmsthan). The said canteen which is run for providing certain amenities in the branch have staff strength of less than 100 employee is non-statutory, non-recognized canteen because there is no statutory provision. The employees of such canteen are not under the control of bank and their appointments are not governed by any rules framed by SBI. Bank enjoys have no control over the canteen boys. In such capacity no question arises for making the payment from the bank. The canteen boy works only in canteen. Therefore, there is no legal force in the allegations of the claimant and he is unnecessarily harassing the bank and the claim petition is liable to be rejected with cost.

5. Claimant has filed certain papers along with his statement of claim, paper no. 5/21 is a letter dated 30-3-2000 written by claimant to Labour Minister, paper no. 5/23 of 2000 is a letter issued by ALC to the claimant, paper no.5/24 another letter written by claimant to ALC Mathura, paper no.5/25 another letter written by claimant to ALC Mathura, dated 19-6-01. Opposite party has filed annexure A photocopy of letter issued by ALC Mathura to the Branch Manager SBI dated 25-5-2000 and reply by branch Manager SBI to ALC Mathura dated 29-5-2000 which is annexure D, another annexure D is also filed by the opposite party written by AGM SBI before ALC (C) Kanpur.

6. Both the parties have adduced oral evidence. Claimant has adduced himself as a witness W.W.I Sanjai Saini.

7. Opposite party has adduced two witnesses M.W. 1 Sri A. K. Jain Branch Manager, SBI Mathura and MW. 2 Sri G. C. Tandon retired Branch Manager, SBI Agra.

8. I perused the record and the evidence, heard the parties at length and considered the circumstances. My findings are given below :—

9. The only short question to be decided according to reference and the claim petition is whether the claimant had ever been appointed or engaged by the opposite party on the post of messenger on 2-5-94 or he had worked for 240 days or more in a calendar year preceding the date of termination.

10. M.W. 1 Sri Jain and M.W. 2 Sri Tandon have specifically stated that the claimant had never been engaged or employed in the SBI Branch at Janmsthan Mathura on the post of messenger on 2-5-94. There is no relationship of employer and employee and no work was ever taken from him by the bank as messenger or in any other capacity like carrying out bank records, ledger books, preparing of bundles of note and writing day book etc. They stated on oath that he was engaged by the canteen staff as a canteen boy, but there is no control of the bank over the canteen. He was never paid either salary or otherwise from the exchequer of the bank.

11. I have examined the evidence of W.W. 1. He admitted in the cross that whatever the amount he was being paid that was paid in the name of the canteen. He stated that he was appointed in the branch of the bank and he does not know whether there was any canteen running at the branch, but his statement on this point does not appear to be true. Claimant himself has filed certain papers. Paper no. 5/21 dated 30-3-2000 is a letter written by the claimant to the labour Minister wherein he has specifically admitted that he was appointed in SBI Janamsthan branch as a canteen boy and he used to get Rs.500. This is a fact that there is no post of canteen boy in the branch. Now he is claiming that he was appointed at the post of messenger. There is another letter written by him paper no. 5/24 to ALC Mathura wherein he stated that all the canteen boys had been made permanent. It shows that he was engaged in the canteen and not in the bank. He admitted that no appointment letter was issued to him. He admitted that he knows that if there is any vacancy of messenger then there is a publication in the news paper but he did not see any such publication. He never gave any application to the bank. He was never paid regularly in the bank. He also knows that there is a board for the appointment in the bank and the branch manager does not have any power to recruit any person in subordinate cadre.

12. Much emphasis has been given by the learned authorized representative for the workman that there had been a joint inspection and both the parties have submitted their reports of joint inspection separately. Paper 16/1-16/4

is the inspection report submitted by the claimant. He stated that there were certain papers in the bank like day book dated 19-7-99 which is written by the claimant. He also stated that there are certain entries on page no. 165, 166 and 167 respectively are in the hand writing of the claimant. Whereas, opposite party has denied it. If claimant was sure that these papers were written by the claimant then during evidence it was incumbent upon the claimant to call for the records in the court and gave evidence in this regard but no such record was produced in the court and the court cannot take any cognizance in the absence of the specific record.

13. It is contended by the A.R. of the opposite party that the claimant has claimed that he has been appointed by the branch manager, whereas in the reference order he has shown that he has been terminated by the AGM SBI.

14. From the evidence it has been found and established that there is no relationship of employer and employee and the claimant has never been appointed by the opposite party branch on 2-5-94, whereas this fact appears to be true that the claimant has been engaged in a canteen as a canteen boy.

15. Opposite party has alleged that there is no control direct or otherwise of the bank over the canteen. They have placed reliance upon a decision 2000 LAB I.C. 1481 Supreme Court in between SBI and other versus State Bank of India Canteen Employees Union and others.

16. In this case the Hon'ble Apex Court specifically held that the employees of canteen run by Local Implementation Committee cannot claim to be absorbed as employees of bank as the canteen run by LIC are non statutory canteens. I respectfully agree with the law propounded by the Hon'ble Apex Court (supra).

17. I have also considered the point whether the claimant has worked for 240 days or more. Though there is no necessity of considering this point as it has already been found above that he had never been employed by the bank. But it is also the contention of the opposite party that the claimant has never stated in his statement that he had worked for 240 days continuously in a year preceding the date of termination. Therefore, this contention of the claimant also does not carry any force.

18. Burden of proof lies on the claimant. He has not been able to discharge this burden.

19. Therefore, considering all the facts and circumstances and record of the case, I am of the view that the action of the opposite part is held to be legal and justified. Consequently the claimant is not entitled for any relief and accordingly reference is decided against the claimant and in favour of the opposite party.

Dated: 12-03-10

P. AM PARKASHI, Presiding Officer

नई दिल्ली, 29 मार्च, 2010

का.आ. 953.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध पंजाब राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

क्रमांक	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1	मेहराज पट्टी कर्मचंद	193	रामपुराफूल	भटिण्डा
2	लैहरा मोहबहत	196	भटिण्डा	भटिण्डा

[सं. एस-38013/12/2010-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 953.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab namely:-

Sl.No.	Name of the Village	Had Bast No.	Tehsil	District
1	Mehraj Patti Karamchand	193	Rampura Phool	Bhatinda
2	Lehra Mohabat	196	Bhatinda	Bhatinda

[No. S-38013/12/2010-S.S. I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 954.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध त्रिपुरा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“अगरतला के अंतर्गत आने वाले क्षेत्र—अगरतला में मोहनपुर राजस्व वाले क्षेत्र के अंतर्गत बोधजंगनगर”

[सं. एस-38013/13/2010-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 954.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tripura namely:-

“Areas under Agartala falls within Bodhjungnagar under Mohanpur revenue circle in Agartala”

[No. S-38013/13/2010-S.S. I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 29 मार्च, 2010

का.आ. 955.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“मेजिया क्षेत्र के विस्तारित क्षेत्र में बांकूड़ा जिला में लोटियाबानी, मचबन्धा, बेनागरी दुर्लवपुर, निधिरामपुर, नन्दनपुर, रामकृष्णपुर और तारापुर के मौजा सम्मिलित है”

[सं. एस-38013/14/2010-एस. एस.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 29th March, 2010

S.O. 955.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of West Bengal namely:-

“Extended Area of Mezia Area comprising Mouzas of Lotiabani Machbandha, Benagari, Durlavpur, Nidhirampur, Nandanpur, Ramkrishnapur and Tarapur District Bankura”

[No. S-38013/14/2010-S.S. I]

S. D. XAVIER, Under Secy.